



NOTICE

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The original documents referenced in this file are available for inspection in the Office of the City Clerk, 215 Church Avenue, Room 456, Municipal Building, Roanoke, Virginia 24011.

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Mary F. Parker
City Clerk



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***APRIL 16, 2001
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call.

Invocation.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTN Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, April 19, 2001, at 7:00 p.m., and Saturday, April 21, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA PACKAGE ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS THE AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT www.roanokegov.com, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH. IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

2. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meeting of Roanoke City Council held on Monday, April 2, 2001.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 A communication from the Honorable Ralph K. Smith, Mayor, requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed Meeting.

- C-3 A communication from the City Manager requesting a Closed Meeting to discuss a matter with regard to expansion of an existing business where no previous announcement of the interest of the business in expanding its facilities in the City has been made, pursuant to Section 2.1-344 (A)(5), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed Meeting.

- C-4 A communication from the City Manager requesting a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed Meeting.

- C-5 A communication from the City Manager recommending that a public hearing be advertised with regard to execution of a new lease with the State Department of Health for properties located at 515 and 530 Eighth Street, S. W., for a term of three years.

RECOMMENDED ACTION: Concur in request to advertise a public hearing.

C-6 A report of the Director of Finance with regard to collection of delinquent taxes.

RECOMMENDED ACTION: Receive and file.

C-7 A report of the Director of Finance with regard to payment of arbitrage rebate liability in connection with issuance of the City's 1996 General Obligation Bonds.

RECOMMENDED ACTION: Receive and file.

C-8 A communication from Catherine Fox tendering her resignation as a member of the Special Events Committee, effective immediately.

RECOMMENDED ACTION: Receive and file communication and accept the resignation with regret.

C-9 A communication from Matt Kennell tendering his resignation as a member of the Roanoke Arts Commission, effective immediately.

RECOMMENDED ACTION: Receive and file communication and accept the resignation with regret.

C-10 Qualification of the following persons:

S. Wayne Campbell as a member of the City Planning Commission for a term ending December 31, 2004;

Carolyn M. Bumbry, James W. Burks, Jr., and H. Victor Gilchrist as Commissioners of the Roanoke Redevelopment and Housing Authority for terms ending August 31, 2004; and

Robert Humphreys as a member of the Roanoke Arts Commission to fill the unexpired term of Ann D. Masters, resigned, ending June 30, 2001.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

3. HEARING OF CITIZENS UPON PUBLIC MATTERS:

- a. Request to address Council with regard to the need for safety shields in taxicabs. C. R. Sisson, Liberty Cab Company, Spokesperson.

4. PETITIONS AND COMMUNICATIONS:

- a. Briefing with regard to billing of 2001 personal property tax and tax relief. David C. Anderson, City Treasurer.
- b. A communication from John R. Hubbard, Chief Executive Officer, Roanoke Valley Resource Authority, transmitting the Resource Authority's Annual Budget for Fiscal Year 2001-02, totaling \$8,323,525.00.

5. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS:

- 1. A report with regard to the City's Fiscal Year 2001-02 Recommended General Fund Budget and HUD Budget.

ITEMS RECOMMENDED FOR ACTION:

- 2. A communication recommending amendment to certain sections of the Code of the City of Roanoke (1979), as amended, in connection with the Carvins Cove Natural Reserve.

3. A communication recommending amendment of Section 24-97, Possession or consumption of alcoholic beverages, Article IV, Parks, Chapter 24, Public Buildings and Property; and amendment of the Fee Compendium to reflect a fee of \$50.00 for an alcohol permit and a refundable damage/clean-up deposit of \$500.00 for possession or consumption of alcoholic beverages at certain locations in the City.
4. A communication recommending amendment of Section 7-2, Code of the City of Roanoke (1979), as amended, to authorize removal, repair or securement of unsafe structures, as authorized by Section 15.2-906, Code of Virginia (1950), as amended.
5. A communication recommending acceptance of a bid submitted by Cunningham Associates, Inc., in the amount of \$636,515.20, for playground equipment and surfacing for 19 City parks.
6. A communication recommending acceptance of a bid submitted by Clean Sweep of the Roanoke Valley, Inc., in the amount of \$65,425.00, for restroom cleaning services in City parks.
7. A communication recommending acceptance of a bid submitted by Kane's Communication Systems, Inc., for portable radios and accessories for use by the City Sheriff's Office and Jail, in the amount of \$165,701.11.
8. A communication recommending rejection of all bids received by the City for long distance network services; and authorization to execute agreements with the Department of Information Technology, a state agency, to use the COVANET service at rates not to exceed current rates, plus five per cent.
9. A communication recommending appropriation of \$97,200.00 from the Capital Maintenance and Equipment Replacement Program for equipment purchases, maintenance and other one-time priority purchases.

b. **CITY ATTORNEY:**

1. A report transmitting measures authorizing amendments to certain sections of the Code of the City of Roanoke (1979), as amended, in connection with restructuring of the City's authorities, boards, commissions, and committees.
2. A report with regard to acquisition of property for the Railside Linear Park Project.

6. REPORTS OF COMMITTEES:

- a. A report of the Bid Committee recommending acceptance of the bid of Lanford Brothers Co., Inc., for repairs to four City bridges, in the amount of \$151,526.24, 60 consecutive calendar days of contract time; and transfer of funds in connection therewith. Council Member W. Alvin Hudson, Jr., Chair.
- b. A report of the Bid Committee recommending acceptance of the bid of Breakell, Inc., for ballfield improvements at Wasena Park - Field 2 and Fallon Park, in the amount of \$135,187.00 and 50 consecutive calendar days of contract time. Council Member W. Alvin Hudson, Jr., Chair.

7. UNFINISHED BUSINESS: NONE.

8. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. A resolution confirming the City Manager's appointment of Rolanda A. Johnson as Assistant City Manager.
- b. A Resolution changing the time and place of commencement of the regular meeting of City Council scheduled to be held at 12:15 p.m., on Monday, May 7, 2001.

9. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

10. OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED, WITHOUT OBJECTION, IMMEDIATELY, FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

CERTIFICATION OF CLOSED SESSION.

THE MEETING OF ROANOKE CITY COUNCIL WILL BE DECLARED IN RECESS TO BE RECONVENED AT 7:00 P. M., IN THE COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***APRIL 16, 2001
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

Call to Order -- Roll Call.

The Invocation will be delivered by Council Member C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

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A. PUBLIC HEARINGS:

1. Public hearing to receive the views of citizens regarding appointment of two Trustees to the Roanoke City School Board for three year terms of office commencing July 1, 2001 and ending June 30, 2004. Candidates are: Gary M. Bowman, Melvin W. Garrett, Melinda J. Payne, William E. Skeen, and Ruth C. Willson.
2. Public hearing on a proposed amendment to Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to add a new subsection (9) to Section 36.1-250, Special exception uses, and new subsections (10) and (11), of Division 4, Industrial Districts, of Article III, District Regulations, to permit certain automobile rental establishments and limousine service and taxicab establishments as special exception uses in the LM, Light Manufacturing District, and automobile rental, limousine service, taxicab and general service establishments as permitted uses in the HM, Heavy Manufacturing District. Edward A. Natt, Attorney.
3. Public hearing on the request of the Roanoke Valley SPCA and Sandra L. Overstreet that a certain undeveloped portion of Edmund Avenue, N. E., being parallel to and between Edmund Avenue and Baldwin Avenue, be vacated, discontinued and closed. W. Eric Branscom, Attorney.
4. Public hearing on the request of the Commonwealth Development Group of Roanoke, LLC, that five contiguous tracts of land at or near the southeastern side of Highland Farm Road and the southeasterly terminus of Tuckawana Circle, be rezoned from RM-2, Residential Multi-Family District, to LM, Light Manufacturing District, subject to certain conditions proffered by the petitioner. Donald L. Wetherington, Attorney.
5. Public hearing on the request of the City of Roanoke that a portion of Albemarle Avenue, S. E., extending in a westerly direction from Williamson Road, be permanently vacated, discontinued and closed. Darlene L. Burcham, City Manager.

6. Public hearing on a proposed resolution authorizing the City to contract a debt and to issue general obligation public improvement bonds of the City (and in anticipation of issuance thereof general obligation public improvement bond anticipation notes of the City), in the principal amount of \$12,000,000.00, the proceeds of which are to be granted by the City to the Roanoke Redevelopment and Housing Authority for the purpose of assisting the Authority in paying a portion of the costs of a redevelopment project in the City, known as the South Jefferson Redevelopment Project. Darlene L. Burcham, City Manager, and James D. Grisso, Director of Finance.

B. OTHER HEARING OF CITIZENS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED, WITHOUT OBJECTION, IMMEDIATELY, FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Request to address Council with regard to Wiley Drive through Smith Park. E. Duane Howard, Spokesperson.

THE MEETING OF ROANOKE CITY COUNCIL WILL BE DECLARED IN RECESS UNTIL THURSDAY, APRIL 19, 2001, AT 4:00 P.M., IN THE CITY COUNCIL CHAMBER, AT WHICH TIME COUNCIL WILL PARTICIPATE IN PUBLIC INTERVIEWS OF FIVE CANDIDATES FOR THE POSITION OF ROANOKE CITY SCHOOL BOARD TRUSTEE.

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

April 2, 2001

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, April 2, 2001, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William D. Bestpitch, William H. Carder, W. Alvin Hudson, Jr., Linda F. Wyatt and Mayor Ralph K. Smith-----5.

ABSENT: Council Members C. Nelson Harris and William White, Sr.-----2.

(Entered the meeting during the first closed session.)

OFFICERS PRESENT: Darlene L. Burcham, City Manager; and Mary F. Parker, City Clerk.

CITY ATTORNEY-COUNCIL: A report of the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended, was before the body.

(For full text, see report on file in the City Clerk's Office.)

ACTION: Mr. Carder moved that Council concur in the request of the City Attorney to convene in a Closed Meeting to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Hudson, Wyatt, and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Harris and White were absent.)

PURCHASE/SALE OF PROPERTY-COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss a matter with regard to acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

ACTION: Mr. Carder moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss a matter with regard to acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Hudson, Wyatt, and Mayor Smith-----5.

NAYS: None-----0.
(Council Members Harris and White were absent.)

PURCHASE/SALE OF PROPERTY-COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss a matter with regard to disposition of publicly held property, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

ACTION: Mr. Carder moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss a matter with regard to disposition of publicly held property, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Hudson, Wyatt, and Mayor Smith-----5.

NAYS: None-----0.
(Council Members Harris and White were absent.)

COMMITTEES-COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

ACTION: Mr. Carder moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Hudson, Wyatt, and Mayor Smith-----5.

NAYS: None-----0.
(Council Members Harris and White were absent.)

At 12:20 p.m., the Mayor declared the meeting in recess for four closed sessions and with the understanding that the Council meeting would reconvene at 2:00 p.m., in the City Council Chamber.

At 2:00 p.m., on Monday, April 2, 2001, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt, and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Council Member C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS

PROCLAMATIONS-ACTS OF ACKNOWLEDGEMENT-COMMUNICATIONS DEPARTMENT: The Mayor presented a proclamation declaring the week of April 8 - 14, as National Telecommunicator's Week in the City of Roanoke.

Mr. Carder offered the following resolution:

(#35256-040201) A RESOLUTION recognizing Melissa L. Williams as Roanoke Public Safety Telecommunicator of the Year 2001 in the City's E-911 Communications Center.

(For full text of Resolution, see Resolution Book No. 63.)

ACTION: Mr. Carder moved the adoption of Resolution No. 35256-040201. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

The Mayor presented Ms. Williams with a ceremonial copy of the abovereferenced resolution and a plaque recognizing her as Roanoke Public Safety Telecommunicator of the year 2001.

PROCLAMATIONS-HOUSING/AUTHORITY: The Mayor presented a proclamation declaring the month of April, 2001, as Fair Housing Month in the City of Roanoke.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meeting of Council held on Monday, March 19, 2001, and the reconvened meeting on Monday, March 26, 2001, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

ACTION: Mr. White moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-CULTURAL SERVICES COMMITTEE: A communication from Mary S. Neal tendering her resignation as the City Manager's designee to the Cultural Services Committee, effective immediately, was before Council.

(For full text, see communication on file in the City Clerk's Office.)

ACTION: Mr. White moved that the communication be received and filed, and that the resignation be accepted. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

ZONING-ROANOKE NEIGHBORHOOD PARTNERSHIP-OATHS OF OFFICE-COMMITTEES: The following reports of qualification were before Council:

Kermit E. Hale as a member of the Board of Zoning Appeals to fill the unexpired term of Sydnor W. Brizendine, Jr., deceased, ending December 31, 2001; and

Michael W. Ridenhour as a member of the Roanoke Neighborhood Partnership Steering Committee for a term ending November 30, 2003.

(See Oaths or Affirmations of Office on file in the City Clerk's Office.)

ACTION: Mr. White moved that the reports of qualification be received and filed. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

SCHOOLS: The Mayor advised that on June 30, 2001, there will be two vacancies on the Roanoke City School Board for terms commencing July 1, 2001, and ending June 30, 2004. He further advised that six applications for the positions were received prior to the deadline on Friday, March 9, 2001; however one applicant withdrew his name from consideration (Lee Pusha).

The Mayor further advised that Section 9-20, Selection of Candidates for Public Interview, provides that on or before April 20 of each year Council shall, by public vote, select from the field of candidates those candidates to be accorded the public interview required by Section 9-21 of the City Code, and all other candidates shall be eliminated from the School Trustee selection process.

ACTION: Mr. White moved that Gary M. Bowman, Melvin W. Garrett, Melinda J. Payne, William E. Skeen and Ruth C. Willson be accorded the public interview by Council on Thursday, April 19, 2001, commencing at 4:00 p.m., in the City Council Chamber. The motion was seconded by Ms. Wyatt and unanimously adopted.

HEARING OF CITIZENS UPON PUBLIC MATTERS:

**ROANOKE REGIONAL CHAMBER OF COMMERCE-
ARMORY/STADIUM: Bruce Wood, Vice Chair for Public Policy and
Strategic Issues for the Roanoke Regional Chamber of Commerce**

addressed Council with regard to Victory Stadium. He read the following letter from Edwin C. Hall, Chair, Board of Directors, Roanoke Regional Chamber of Commerce:

“The City of Roanoke is looking ahead as it completes VISION 2001, a long-range comprehensive planning process that has the potential to shape the city’s future. At hand, however, is a decision on Victory Stadium. The Board of Directors of the Roanoke Regional Chamber of Commerce urges Roanoke City Council to move decisively as it considers the potential this decision has on the city’s future.

The Roanoke Regional Chamber cares deeply about the region’s future, business climate, quality of life, image, and ability to attract new businesses while helping existing ones grow. In that light, the Chamber asks Roanoke leaders to keep all the factors in mind as it reaches a decision on Victory Stadium that should and will affect the broader landscape of the city beyond the corner of Jefferson and Reserve.

Council’s recommendation for Victory Stadium should consider the

- economic development impact such as the potential to attract tourism spending and contribute to quality of life**
- needs of the Roanoke City Schools for facilities that serve the needs of its students and represent the system’s commitment to excellence in education**
- highest and best use of the property that is a gateway to downtown, surrounding neighborhoods, and the Carilion Biomedical Institute**
- return on the investment**
- wise use of city financial resources**
- emotional impact of the decision on the community.**

We encourage City Council to consider many options but to expediently weigh the alternatives and move forward with a decision that creates a positive return on investment for the city and that fits with the progressive future most citizens envision for their region in such a signature project.”

ACTION: Without objection by Council, the Mayor advised that the communication would be received and filed.

AIRPORT-BUDGET: In accordance with the Roanoke Regional Airport Commission Contract dated January 28, 1987, as amended, Jacqueline L. Shuck, Executive Director, Roanoke Regional Airport, presented the Airport budget for fiscal year 2001-02, including a separate listing of capital expenditures. She advised that the budget was adopted by the Airport Commission at its meeting on March 14, 2001; and provides a separate listing of Capital Expenditures which are expected to exceed \$100,000.00 in cost and are intended to benefit five or more future accounting periods; and formal approval of the Operating Budget and the Capital Expenditure List, by resolution of each of the participating political subdivisions, is requested.

(For full text, see report on file in the City Clerk’s Office.)

Mr. Harris offered the following resolution:

(#35257-040201) A RESOLUTION approving the Roanoke Regional Airport Commission’s 2001-2002 proposed operating and capital budget, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 63.)

ACTION: Mr. Harris moved the adoption of Resolution No. 35257-040201. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

PETITIONS AND COMMUNICATIONS:

VIRGINIA'S FIRST REGIONAL FACILITY AUTHORITY-ECONOMIC DEVELOPMENT: Council Member William D. Bestpitch, one of the City's representatives to the New River Valley Commerce Park Participation Committee, presented a communication advising that the New River Valley Commerce Park Participation Committee has received correspondence from David Rundgren notifying all members of the Committee that additional shares in the Commerce Park Project are available due to the fact that Wythe County has chosen to withdraw from participation.

Mr. Bestpitch recommended that since there are other jurisdictions that have interest in purchasing the shares, the City of Roanoke should stay with its current share ownership of 10,000 shares, not purchase its pro-rata portion of additional shares, and let the available shares adhere to other interested jurisdictions.

(For full text, see communication and attachments on file in the City Clerk's Office.)

ACTION: Mr. Bestpitch moved that Council concur in the recommendation. The motion was seconded by Mr. Harris and unanimously adopted.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-FDETC: The City Manager submitted a communication advising that the Fifth District Employment and Training Consortium (FDETC) administers the Federally funded Workforce Investment Act (WIA) for the region, which encompasses the Counties of Allegheny, Botetourt, Craig, Franklin and Roanoke, as well as the Cities of Clifton Forge, Covington, Roanoke and Salem; the agency's client population is composed primarily of economically disadvantaged individuals as determined by household income guidelines set by the U.S. Department of Labor; the City of Roanoke is the grant recipient and fiscal agent for

FDETC funding, thus, Council must appropriate funding for all grants and other monies the FDETC receives; the Virginia Department of Social Services has notified the FDETC that a proposal to provide services under the Virginia Department of Social Services Economic and Employment Improvement Grant Program for Disadvantaged Persons has been approved; and award of \$50,000.00 will be given to the FDETC for the period of March 1, 2001 through June 30, 2002.

The City Manager recommended that Council appropriate the FDETC's funding totaling \$50,000.00 and increase the revenue estimate by \$50,000.00 in accounts to be established in the Consortium Fund by the Director of Finance.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency budget ordinance:

(#35258-040201) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Consortium Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Mr. Carder moved the adoption of Ordinance No. 35258-040201. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-GRANTS-LIBRARIES: The City Manager submitted a communication advising that the Roanoke City Public Library has been awarded a grant of \$13,300.00 by The Library of Virginia which is to be used to renovate and furnish a room in the Main Library for use as a computer lab; and the grant is in support of a grant previously received from the Bill and Melinda Gates Foundation for computer equipment.

The City Manager recommended that Council accept the Library of Virginia Grant, and that she be authorized to execute the requisite grant documents, establish a \$13,000.00 revenue estimate in an account to be established by the Director of Finance and that Council appropriate funds in accounts to be established by the Director of Finance.

(For full text, see communication on file in the City Clerk’s Office.)

Mr. Harris offered the following emergency budget ordinance:

(#35259-040201) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Mr. Harris moved the adoption of Ordinance No. 35259-040201. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Harris offered the following resolution:

(#35260-040201) A RESOLUTION accepting the Library of Virginia Grant to the Roanoke Public Library to renovate and furnish a room in the main Library for use as a computer lab.

(For full text of Resolution, see Resolution Book No. 63.)

ACTION: Mr. Harris moved the adoption of Resolution No. 35260-040201. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

NEIGHBORHOOD ORGANIZATIONS-GRANTS: The City Manager submitted a communication advising that historically, the Northwest Neighborhood Environmental Organization has received HOME Investment Partnerships (HOME) funds from the City of Roanoke to develop affordable housing; on May 9, 2000, Council authorized funding for acquisition and rehabilitation of two properties located in the 500 block of Loudon Avenue, N. W., pursuant to Resolution No. 34798-050900, which approved submission of the City's 2000-2005 Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD); on June 19, 2000, Council accepted 2000-01 HOME funds pursuant to Budget Ordinance No. 34882-061900 and Resolution No. 34883-061900; in order to provide funding for NNEO to develop the Fifth Street Gateway Project approved in the City's Consolidated Plan, authorization by Council is needed to execute a subgrant agreement with NNEO; and funding is available in Account No. 035-090-5308-5309, in the amount of \$78,700.00.

The City Manager recommended that she be authorized to execute a HOME Subgrant Agreement with the Northwest Neighborhood Environmental Organization.

(For full text, see report on file in the City Clerk's Office.)

Mr. Harris offered the following resolution:

(#35261-040201) A RESOLUTION authorizing the execution of a subgrant agreement with the Northwest Neighborhood Environmental Organization for administration of Community Development Block Grant (CDBG) funds for FY 2000-2001 for the development of the Fifth Street Gateway Project.

(For full text of Resolution, see Resolution Book No. 63.)

ACTION: Mr. Harris moved the adoption of Resolution No. 35261-040201. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-HOUSING/AUTHORITY: The City Manager submitted a communication advising that as part of its ongoing efforts to improve public housing at the Lincoln Terrace Development, the Roanoke Redevelopment and Housing Authority (RRHA) applied for and has been awarded a \$15.1 million HOPE VI Revitalization Grant from the U.S. Department of Housing and Urban Development ("HUD"); in support of the RRHA HOPE VI application, the City committed to provide up to \$3 million in financial assistance for both infrastructure costs of the Lincoln 2000/HOPE VI Project and housing rehabilitation loan funding for existing homeowners in the Washington Park neighborhood; and infrastructure funding to be provided by the City will support improvements in public rights-of-way and publicly dedicated easements, including, but not limited to, construction and reconstruction of streets, curbs, gutters and sidewalks and water and sewer utilities.

It was further advised that the City will provide the Housing Authority with a total of \$2.1 million for infrastructure improvements in three yearly installments, with the \$600,000.00 covered by this letter being the first installment (The remaining \$900,000.00 of the total \$3 million committed by the City is for housing rehabilitation and is being handled separately); funds for the first installment have been identified in the General Fund and Community Development Block Grant (ACDBG®) program funds and from Retained Earnings in the Water Fund and Sewer Fund; and specific amounts and sources are as follow:

<u>Source</u>	<u>Account Name</u>	<u>Amount</u>
CDBG	Infrastructure	\$253,000.00
General Fund	Transfer to Capital Projects	\$100,000.00
Sewer Fund	Retained Earnings	\$109,000.00
Water Fund	Retained Earnings	\$138,000.00

The City Manager recommended that she be authorized to execute the 2000/01 Agreement with the Housing Authority, and appropriate funds in the amount of \$347,000.00 from City funding sources to accounts to be established by the Director of Finance and entitled, "Lincoln 2000/HOPE VI Infrastructure," and CDBG funds have been previously appropriated to the proper account.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following emergency budget ordinance:

(#35262-040201) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Water, Sewage Treatment, and Capital Projects Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Mr. Harris moved the adoption of Ordinance No. 35262-040201. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Harris offered the following resolution:

(#35263-040201) A RESOLUTION authorizing the appropriate City officials to enter into a 2000-2001 Agreement with the City of Roanoke Redevelopment and Housing Authority, providing funding for infrastructure improvements associated with the Lincoln 2000/HOPE VI Community Revitalization Program Project, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 63.)

ACTION: Mr. Harris moved the adoption of Resolution No. 35263-040201. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-FLOOD REDUCTION/CONTROL: The City Manager submitted a communication advising that in 1989, a \$7.5 million bond referendum was passed to provide partial funding for the Roanoke River Flood Reduction Project, and a utility tax was established to pay

the debt service for the bond; in 1990, a Local Cooperation Agreement (LCA) was executed with the U.S. Army Corps of Engineers to construct the project; under the LCA, the City committed to fund five per cent of the project and construction costs, 100 per cent of property acquisition costs, 100 per cent of relocation costs, and 50 per cent of recreation trail costs; estimated cost of the remaining City share of the project is approximately \$12.9 million; there is a current unobligated balance of approximately \$5.4 million in project accounts; at the appropriate time, the previously approved bond issue of \$7.5 million will be issued; and \$624,000.00 was included in Transfers to Capital Projects Fund as part of the approved General Fund budget for fiscal year 2001 in support of the project, and now needs to be transferred to the Capital Projects Fund and appropriated to the proper Capital Projects Fund account.

The City Manager recommended that Council appropriate \$624,000.00 which was included in the adopted budget of General Fund Account No. 001-250-9310-9508 in the Capital Projects Fund Account No. 008-056-9620-9003, Roanoke River Flood Reduction.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following emergency budget ordinance:

(#35264-040201) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Mr. Harris moved the adoption of Ordinance No. 35264-040201. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-INDUSTRIES-ECONOMIC DEVELOPMENT: The City Manager submitted a communication advising that Foot Levelers, Inc., located at 518 Pocahontas Drive, is a local company which

manufactures orthopedic insoles for shoes; approximately 12 months ago, Foot Levelers recognized a need to expand operations and began to look for sites outside the City of Roanoke; in order to keep its business in the City and to make expansion possible in the City of Roanoke, Foot Levelers requested assistance from the City of Roanoke; Foot Levelers is investing approximately \$3.3 million in a building expansion and an additional investment will be made for new equipment; the company has added approximately 30 positions over the past 18 months and expects to continue to add approximately eight to ten positions per year over the next three years; and the City has worked with the Industrial Development Authority to assist with the expansion project which will promote economic development in the City of Roanoke.

It was further advised that the Industrial Development Authority discussed the project at its March 7, 2001, meeting and has requested \$34,790.00 from the City to assist with the cost of the expansion project; funds from the City will be used by the IDA to make an economic development grant to Foot Levelers for its expansion project; and the IDA will require Foot Levelers to provide documentation that the grant funds are used for the expansion project.

The City Manager recommended that Council authorize transfer of \$34,790.00 to an account to be entitled, "Foot Levelers Infrastructure Project," which will provide funds for the IDA for purposes of promoting economic development in the City of Roanoke and the Roanoke Valley, in order to fund the grant that the Industrial Development Authority intends to make to Foot Levelers, Inc., upon certain terms and conditions; authorize the City Manager and the City Clerk, on behalf of the City, to execute and attest, respectively, appropriate documents between the City, the IDA and Foot Levelers, Inc., upon certain terms and conditions, to allow the IDA to make the economic development grant to Foot Levelers; that the City Manager be further authorized to take such action and execute such additional documents as may be reasonably necessary to provide for implementation and administration of such economic development grant; and transfer \$27,490.00 from Capital Improvement Reserve Building and \$7,300.00 from RCIT Entrance Sign Project to fund the economic development grant to be made to Foot Levelers, Inc., by the Industrial Development Authority.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency budget ordinance:

(#35265-040201) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Mr. Carder moved the adoption of Ordinance No. 35265-040201. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Harris offered the following emergency ordinance:

(#35266-040201) AN ORDINANCE providing that the City of Roanoke will appropriate an amount up to \$34,790.00 to the Industrial Development Authority of the City of Roanoke, Virginia (IDA) for the purposes of promoting economic development in the City of Roanoke and the Roanoke Valley in order to fund the grant that the IDA intends to make to Foot Levelers, Inc., and authorizing the proper City officials to execute appropriate documentation among the City of Roanoke, the IDA, and Foot Levelers, Inc., that provides for an expansion project by Foot Levelers that will result in an investment and retention of jobs within the City; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Mr. Harris moved the adoption of Ordinance No. 35266-040201. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

At 2:35 p.m., the Mayor declared the meeting in recess and Council reconvened in closed session.

At 3:50 p.m., the City Council meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance.

NORFOLK SOUTHERN CORPORATION-RAIL SERVICE: The City Manager submitted a communication advising that on January 16, 2001, after the Passenger Rail Service Committee presented its report, Council referred the issue of designating and funding a future site for the Passenger Rail Depot to the City Manager's Office; after review of the report, the City Manager agreed that Council should officially designate the former Norfolk Southern passenger rail station on Shenandoah Avenue as the depot for this endeavor; not only would the structure be restored to its previous use, but could also serve as a destination itself with the possible siting of an O. Winston Link photograph museum; as requested by the Passenger Rail Service Committee, she will include this item on the budget study agenda; and total renovation cost is estimated at \$9 million, with \$1.7 million requested from City funds.

The City Manager recommended that Council adopt a resolution designating the former Norfolk Southern passenger rail station for future passenger rail service.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Bestpitch offered the following resolution:

(#35267-040201) A RESOLUTION designating the former Norfolk Southern passenger rail station located on Shenandoah Avenue across from The Hotel Roanoke as the official depot for light rail service.

(For full text of Resolution, see Resolution Book No. 63.)

ACTION: Mr. Bestpitch moved the adoption of Resolution No. 35267-040201. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. White requested that the City Clerk forward a letter to the Passenger Rail Service Committee acknowledging the work of the committee. He further requested that the matter of state funding for passenger rail service be referred to the Legislative Committee for discussion in connection with the City's proposed 2002 Legislative Program.

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of February, 2001.

(For full text, see Financial Report on file in the City Clerk's Office.)

ACTION: Without objection by Council, the Mayor advised that the Financial Report would be received and filed.

REPORTS OF COMMITTEES:

COMMITTEES-COUNCIL: The committee appointed by Council on January 8, 2001, to review and make recommendations regarding restructuring of the City's authorities, boards, commissions and committees submitted the following recommendations:

Discontinue the following commissions, committees and task force:

- e Economic Development Commission**
- e Revenue Study Commission**
- e City Taxes Committee (Has not met for approximately ten years.)**
- e Downtown Housing Task Force**
- e Metropolitan Transportation Planning District Study Committee**
- e Roanoke Valley Cooperative Study Committee**

- **City Investment Committee**
- **Set-off Debt Collections Board**
- **Bid Specifications Committee (Initially appointed to study vehicular equipment purchases; the Virginia Procurement Code satisfactorily addresses such issues; and bid committees to review construction procurement bids will continue to be appointed.)**
- **Upper Roanoke River Sub-area Advisory Committee (City representatives)**
- **Center in the Square Board of Directors (City representative)**
- **Water Resources Committee (City business will be conducted more expeditiously if matters routinely addressed by the committee are forwarded directly to City Council; City real estate transactions will be expedited by approximately 30 days; matters that are routinely addressed by the committee are forwarded to Council for approval; and six members of Council currently serve on the committee.)**

The procedure for electing Trustees to the Roanoke City School Board as set forth in Chapter 9, Education, Code of the City of Roanoke (1979), as amended, will remain the same, with one exception; i.e.: elimination of the public reception for School Board applicants.

Effective July 1, 2001, establish a uniform process for appointing members to the City Planning Commission, Board of Zoning Appeals, Architectural Review Board, Roanoke Redevelopment and Housing Authority and Industrial Development Authority, through a phased in approach beginning with the Architectural Review Board (two vacancies on October 1, 2001), the Industrial Development Authority (two vacancies on October 20, 2001) and the Board of Zoning Appeals (two vacancies on December 31, 2001). The City Clerk will advertise the vacancies 45 days prior to expiration of the term of office, copies of all applications will be forwarded to City Council for review, and Council will select no more than three persons to be interviewed in closed session for each vacancy.

Provide a stipend for current members of the City Planning Commission and the Board of Zoning Appeals, upon completion of a certification program. New appointees will be required to attain certification within one year of the date of appointment. A majority of the current members of the City Planning Commission have attained their certification through the Virginia Certified Planning Commissioners Program sponsored by Virginia Tech, and Virginia Tech also offers a Virginia Certified Board of Zoning Appeals Program. Since there is no certification program for School Board Trustees, members should be encouraged to attend Virginia School Board

Association activities where they are awarded points based upon participation in various programs and conferences. The City Manager recommends that this stipend be \$1200 annually.

The committee would like to continue to review the duties and responsibilities of the Board of Zoning Appeals, including conducting a survey on boards in other Virginia municipalities to determine if the responsibilities should be modified.

Amend Section 36.1-640 of the Code of the City of Roanoke (1979), as amended, relating to the Architectural Review Board to delete that portion which provides, "All members shall have an interest, competency, or knowledge of historic preservation. At least one of the members appointed shall be selected from the membership of the City Planning Commission, at least two members shall be registered architects, and at least one member shall be a person who has demonstrated knowledge of and interest in the history of the City."

Council Members, in liaison capacities, serve as a conduit between their respective committees and the Members of Roanoke City Council; therefore, Council Members should not be expected to attend all committee meetings. Committee meetings should be scheduled at times that do

not conflict with regularly scheduled City Council meetings in the event that the presence of the liaison Council Member is needed.

All Council-appointed boards and commissions should file written reports with Council within 60 days of the conclusion of each fiscal year which shall summarize the work of the committee for such fiscal year, including a report of the attendance of its membership at regular and special meetings of such body for the previous fiscal year. Such reports should be filed with the City Clerk and forwarded to the Members of Council for review. In addition, each board and commission shall file copies of the minutes with the City Clerk which will be kept on file in the Clerk's Office for public inspection.

Whenever possible, only Roanoke City residents should be appointed to City Council-appointed boards and commissions.

The Cultural Services Committee and the Roanoke City Arts Commission should be consolidated.

The fifth Monday in April, July, October and December, 2001 and future fifth Mondays from 12:15 p.m. - 5:00 p.m. will be devoted to Council work sessions, at which time the City Manager will schedule appropriate staff briefings; however, the first 90 minutes of the work session will include reports by Council Members in connection with their respective liaison roles to the various boards and commissions.

Members of Council are encouraged to attend at least one meeting per year of the School Board, City Planning Commission, Board of Zoning Appeals, Architectural Review Board, Industrial Development Authority and the Roanoke Redevelopment and Housing Authority. Minutes of the meetings are filed in the City Clerk's Office and copy will be provided by the Clerk to any member of Council upon request.

Members of the Roanoke City School Board, City Planning Commission and Roanoke Redevelopment and Housing Authority should be advised that there is an option of having their meetings televised on RVTv-Channel 3, and additional funds will be appropriated by the City to the RVTv budget to cover the expense, should they elect to televise meetings.

Monthly meetings should be held by the Industrial Development Authority and staffed by the City's Economic Development Department.

City Council will meet with the Roanoke City School Board, Roanoke Redevelopment and Housing Authority, City Planning Commission, Board of Zoning Appeals, Industrial Development Authority and Architectural Review Board annually in a work session for the purpose of planning/goal setting. (Dinner meetings could be scheduled on the third Monday, with the understanding that the Council meeting will convene at 2:00 p.m., rather than 12:15 p.m.)

The City of Roanoke Transportation Safety Commission should be represented by the following interests: a member of Council, City Traffic Engineer, Valley Metro General Manager, Transportation Manager of the Roanoke City Schools, neighborhood representative, greenway/bicycle representative, disabled representative, judicial representative, police department representative, railroad representative, and a youth representative. All categories are currently represented, except a person representing the disabled community, a judicial representative and a youth representative. Currently, there is one vacancy on the Transportation Safety Commission and when filling future vacancies, Council is encouraged to take into consideration the need to fill the positions with persons representing those categories that are not presently represented.

Meetings of the Greater Roanoke Transit Company Board of Directors will be held on an as needed basis, rather than monthly.

ACTION: Mr. Carder moved that Council concur in the recommendations of the committee and that the report be referred to the City Attorney for preparation of the proper measure(s). The motion was seconded by Ms. Wyatt and unanimously adopted.

The City Manager advised that four Members of Council will be out of the City on the fifth Monday in April; whereupon, it was the consensus of Council that the work session recommended by the committee to be held on April 30, 2001, be eliminated from the schedule.

Mr. Bob Caudle, 431 Belford Street, S. W., spoke in support of the stipend for the Board of Zoning Appeals and the City Planning Commission. He volunteered his service for any committee assignment deemed appropriate by Council.

PURCHASE/SALE OF PROPERTY-AIRPORT-WATER RESOURCES: Council Member Linda F. Wyatt, Chairperson, Water Resources Committee, presented a written report on behalf of the Committee, with regard to property rights acquisition for the Airport Road Signalization Project.

A staff report advised that signalization for the two intersections of Airport Road at Towne Square Boulevard and Airport Road at Municipal Drive, N. W., have been on the City's list for future traffic signalization for several years, however, these intersections were not ranked high enough to be funded from the latest bond referendum; Roanoke County, which adjoins Airport Road on the east side of the road, offered to fund 50 per cent of the \$350,000.00 estimated cost to signalize the two intersections; Council authorized execution of an agreement with Roanoke County on April 3, 2000, which agreed to the City's share of project cost and funds in the amount of \$175,000.00 representing the City's share are available in Airport Road Traffic Signals Account No. 008-052-9577.

It was explained that the project consists of geometric improvements and signalization of the two intersections of Airport Road at Towne Square Boulevard and Airport Road at Municipal Drive, N. W.;

plans have been developed to identify property rights that will be needed for construction of the project; authorization is needed by Council to move forward with acquisition of the necessary property rights; and estimated cost of acquisition of all property rights is \$120,000.00.

The Water Resources Committee recommended that Council authorize the City Manager to acquire all necessary property rights, which may be acquired, following a satisfactory environmental site inspection by negotiation or eminent domain and include rights-of-way, permanent drainage easements, and temporary construction easements.

(For full text, see reports on file in the City Clerk’s Office.)

Ms. Wyatt offered the following emergency ordinance:

(#35268-040201) AN ORDINANCE providing for the acquisition of certain property rights needed by the City for the Airport Road Signalization Project; setting a limit on the consideration to be offered by the City; providing for the City’s acquisition of such property rights by condemnation, under certain circumstances; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Ms. Wyatt moved the adoption of Ordinance No. 35268-040201. The motion was seconded by Mr. White and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

BUDGET-CMERP: Ordinance No. 35242, appropriating \$177,111.00 from the Capital Maintenance and Equipment Replacement Program to fund equipment purchases, maintenance and other one-time priority purchases, having previously been before the Council for its first reading on Monday, March 19, 2001, read and adopted on its first reading and laid over, was again before the body, Mr. White offering the following for its second reading and final adoption:

(#35242-040201) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General Fund Appropriations.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Mr. White moved the adoption of Ordinance No. 35242-040201. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----6.

NAYS: Council Member Wyatt-----1.

ZONING: Ordinance No. 35253, rezoning a portion of those certain parcels of real property located at 4425 and 4431 Northwood Drive, N. W., Official Tax Nos. 6140610 and 6140609, and a portion of that certain parcel of real property located at the intersection of Peters Creek Road, N. W., and Woodbridge Avenue, Official Tax No. 6141403, from RS-3, Residential Single Family District, to C-2, General Commercial District, as more specifically identified in the First Amended Petition filed in the Office of the City Clerk on February 12, 2001, and subject to certain proffers contained in the petition, having previously been before the Council for its first reading on Monday, March 19, 2001, read and adopted on its first reading and laid over, was again before the body, Mr. Hudson offering the following for its second reading and final adoption:

(#35253-040201) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 614, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Mr. Hudson moved the adoption of Ordinance No. 35253-040201. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----6.

NAYS: Council Member Bestpitch-----1.

ZONING: Ordinance No. 35254, rezoning a tract of land partially fronting on a portion of Baldwin Avenue, N. E. (8 lots), and additional property fronting on a portion of Edmund Avenue, N. E. (16 lots), bearing Official Tax Nos. 3210616 - 3210620, inclusive, 3210712-3210722, inclusive, and 3210701 - 3210708, inclusive, from LM, Light Manufacturing District, to HM, Heavy Manufacturing District, as set forth in the Second Amended Petition filed in the Office of the City Clerk on March 8, 2001, having previously been before the Council for its first reading on Monday, March 19, 2001, read and adopted on its first reading and laid over, was again before the body, Mr. Hudson offering the following for its second reading and final adoption:

(#35254-040201) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 321, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Mr. Hudson moved the adoption of Ordinance No. 35254-040201. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

COUNCIL: Mr. Harris offered the following resolution changing the time of commencement of the regular meeting of Council from 12:15 p.m., to 2:00 p.m., on Monday, April 16, 2001:

(#35269-040201) A RESOLUTION changing the time of commencement of the regular meeting of City Council scheduled to be held at 12:15 p.m., on Monday, April 16, 2001.

(For full text of Resolution, see Resolution Book No. 63.)

ACTION: Mr. Harris moved the adoption of Resolution No. 35269-040201. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

COUNCIL: Mr. Harris offered the following Resolution changing the time of commencement of the regular meeting of Council from 12:15 p.m., to 2:00 p.m., on Monday, May 21, 2001:

(#35270-040201) A RESOLUTION changing the time of commencement of the regular meeting of City Council scheduled to be held at 12:15 p.m., on Monday, May 21, 2001.

(For full text of Resolution, see Resolution Book No. 63.)

ACTION: Mr. Harris moved the adoption of Resolution No. 32570-040201. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

COUNCIL: Mr. Harris offered the following Resolution changing the time of commencement of the regular meeting of Council from 12:15 p.m., to 2:00 p.m., on Monday, June 18, 2001:

(#35271-040201) A RESOLUTION changing the time of commencement of the regular meeting of City Council scheduled to be held at 12:15 p.m., on Monday, June 18, 2001.

(For full text of Resolution, see Resolution Book No. 63.)

ACTION: Mr. Harris moved the adoption of Resolution No. 35271-040201. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS: None.

At 4:15 p.m., the Mayor declared the meeting in recess.

At 4:45 p.m., the meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, Mayor Smith presiding.

ACTION: **COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-PARKS AND RECREATION: The Mayor advised that the term of office of William R. Dandridge as a member of the Mill Mountain Advisory Committee expired on June 30, 2000, and called for nominations to fill the vacancy.

Mr. Carder placed in nomination the name of William R. Dandridge.

There being no further nominations, Mr. Dandridge was reappointed as a member of the Mill Mountain Advisory Committee, for a term ending June 30, 2001, by the following vote:

FOR MR. DANDRIDGE: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

OATHS OF OFFICE-COMMITTEES-COMMUNITY PLANNING: The Mayor advised that the terms of office of Alfred T. Dowe, Jr., Robert B. Manetta, and Richard A. Rife as members of the City Planning Commission expired on December 31, 2000, and called for nominations to fill the vacancies.

Mr. White placed in nomination the names of Alfred T. Dowe, Jr., Robert B. Manetta, and Richard A. Rife.

There being no further nominations, Messrs. Dowe, Manetta, and Rife were reappointed as members of the City Planning Commission for terms ending December 31, 2004, by the following vote:

FOR MESSRS. DOWE, MANETTA, AND RIFE: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

OATHS OF OFFICE-COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP: The Mayor advised that there is a vacancy on the Roanoke Neighborhood Partnership Steering Committee created by the resignation of Viola N. Campbell for a term ending November 30, 2003, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Bob Caudle.

There being no further nominations, Mr. Caudle was appointed as a member of the Roanoke Neighborhood Partnership Steering Committee, for a term ending November 30, 2003, by the following vote:

FOR MR. CAUDLE: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

OATHS OF OFFICE-COMMITTEES-HUMAN DEVELOPMENT: The Mayor advised that there is a vacancy on the Advisory Board of Human Development created by the resignation of Gina Wilburn for a term ending November 30, 2004, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Gail Burruss.

There being no further nominations, Ms. Burruss was appointed as a member of the Advisory Board of Human Development, for a term ending November 30, 2004, by the following vote:

FOR MS. BURRUSS: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt, and Mayor Smith-----7.

There being no further business, the Mayor declared the meeting adjourned at 4:50 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor

April 16, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Subject: Advertisement for Delinquent Real Estate Taxes

Dear Mayor Smith and Members of City Council:

As a part of our ongoing efforts to collect delinquent real estate taxes, an advertisement will run the The Roanoke Times on Monday, April 16, 2001. This advertisement is a legally required step in the procedures to bring properties to tax sale. The list contains those properties that remain unpaid from the list approved for tax sale by Council on February 5, 2001. This advertisement is coordinated by our outside legal counsel who will file suits for any properties remaining unpaid after 30 days.

This is to keep you informed of our efforts to collect delinquent taxes. If you have questions, please call me at 853-2821.

Sincerely,

James D. Grisso
Director of Finance

JDG/DDL/ps

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk

April 16, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bepitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

The City recently reached the five year anniversary of the issuance of its 1996 General Obligation Bonds. As a result, we remitted \$266,571 to the Internal Revenue Service last week, representing payment of arbitrage rebate liability.

Under the regulations issued by the IRS in 1993, the City is required to remit excess earnings on investments related to the \$31.3 million 1996 bond proceeds over that amount which would have been earned if those investments were invested at a rate equal the bond yield. The bond yield is approximately 4.91%, while the return on investments experienced by the City was approximately 5.28% over the five year period ended February 1, 2001. The City earnings during that time totaled approximately \$3,347,000.

Interest earnings occur because the proceeds are invested by the City as soon as the bonds are issued, although they are spent on various capital projects over a period of several years. Earnings on bond proceeds and idle cash of the Capital Projects Fund are generally used to finance economic development projects that the City has an interest in supporting.

We felt this information regarding the recent arbitrage payment would be of interest to the members of Council. No action is requested of Council with regard to this communication. Should you need additional information, please do not hesitate to contact me at 853-2821.

Sincerely,

James D. Grisso
Director of Finance

JDG/ahs

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Jesse A. Hall, Deputy Director of Finance
Barry S. Key, Director of Management and Budget
Ann H. Shawver, Manager of Accounting Services

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION approving the annual budget of the Roanoke Valley Resource Authority for Fiscal Year 2001-2002, upon certain terms and conditions.

BE IT RESOLVED by the Council of the City of Roanoke that the annual budget for the Roanoke Valley Resource Authority for Fiscal Year 2001-2002, in the amount of \$8,323,525 is hereby approved, all as more particularly set forth in the report to this Council dated March 29, 2001, from John R. Hubbard, P. E., Chief Executive Officer of the Roanoke Valley Resource Authority.

ATTEST:

City Clerk.

April 16, 2001

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Code Revisions – Carvins Cove Natural Reserve

Background:

Roanoke City Council adopted the Carvins Cove Land Use Plan on May 15, 2000. Also adopted was an ordinance to amend the City Code permitting certain types of recreational activities at the Carvins Cove Reservoir including: hiking, bicycling, horseback riding, picnicking, fishing, boating and use of gasoline boat motors not to exceed 10 horsepower.

Considerations:

Additional revisions to the City Code need to be adopted to be congruent with the May 15 ordinance. These revisions are:

1. Article I in general - The City's Water Department has been renamed the City's Water Division. The attached amendment reflects this name change.
2. Article II - Council previously approved changing the name of Carvins Cove to Carvins Cove Natural Reserve as suggested in the Carvins Cove Land Use Plan. The wording in Sections 35-14, 35-15, 35-16, 35-17, 35-19, 35-23, 35-24, 35-25, 35-26, 35-27, 35-28, 35-30, 35-42, 35-43, 35-44, 35-50, 35-57 in the City Code needs to be changed from Carvins Cove to Carvins Cove Natural Reserve. The attached amendment reflects this name change.
3. Section 35-16 – This section of the Code states people can visit the dam at Carvins Cove Natural Reserve via State Route No. 815 for the purpose of obtaining general views of the dam. Parking is prohibited by the Virginia Department of Transportation on State Route 815 and no parking is available at the end of State Route 815. This route needs to be removed as a source for visiting the dam as the attached amendment reflects.
4. Sections 35-70 (a) and (b), 35-22, and 35-56 use the phrase one hour after sunset to one hour before sunrise. This is very confusing when enforcing these sections of the Code during summer and winter months of operation. To clarify these sections of the Code, the specific dates and hours of operation should be defined. The attached amendment reflects these date and time definitions.

The Honorable Mayor and Members of Council

April 16, 2001

Page #2

5. Section 35-46 – Council previously approved only gasoline motors 10 horsepower and under be used at Carvins Cove Natural Reserve as recommended in the Carvins Cove Land Use Plan. The attached amendment reflects this change.

6. Sections 35-47 and 35-50 – Boats have previously been allowed to remain on the reservoir after hours. This cannot be allowed because of city liability. The attached amendment reflects this change.

Recommended Action:

Approve policy changes per the attached Code amendments to ensure all sections in the City Code be congruent.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:je

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance

CM01-0035

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining Sec. 35-1, Rules and regulations for operation of water department, of Division I, Generally, of Article I, In General; Sec. 35-14, Application of article; definition, Sec. 35-15, Violations of article, Sec. 35-16, Designation and use of restricted area, Sec. 35-17, Designation and general use of recreational area, Sec. 35-19, Commercial activities, Sec. 35-20, Entering or remaining in watershed area prohibited during certain hours, Sec. 35-22, Fishing, Sec. 35-23, Swimming prohibited, Sec. 35-24, Picnicking, Sec. 35-25, Fires generally, Sec. 35-26, Smoking or lighting flame on pier, Sec. 35-27, Littering, Sec. 35-28, Domestic animals not to run at large, and Sec. 35-30, Possession or discharge of firearms, of Division 1, Generally, of Article II, Carvins Cove Area; Sec. 35-42, Generally, Sec. 35-43, City not responsible for boats, Sec. 35-44, Boat permits and certificates, Sec. 35-46, Limitation on length of boat and size of motor, Sec. 35-47, Metal boats to have adequate air chambers, Sec. 35-50, Mooring; dockage space, and Sec. 35-56, Operation of boat at night, of Division 2, Boating, of Article II, Carvins Cove Area; adding a new section to be entitled Sec. 35-29, Hiking, biking and horseback riding, of Division 1, Generally, of Article II, Carvins Cove Area; and repealing Sec. 35-57, Special boating privileges, of Division 2, Boating, of Article II, Carvins Cove Area, of Chapter 35, Water, of the Code of the City of Roanoke (1979), as amended, to provide for the renaming of the Carvins Cove area, to permit additional uses of the Carvins Cove area, to regulate such uses to ensure the protection of the potable water supply for the general public's health, safety and welfare; and dispensing with the second reading of the title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 35-1, Rules and regulations for operation of water department, of Division I, Generally, of Article I, In General; Sec. 35-14, Application of article; definition, Sec. 35-15, Violations of article, Sec. 35-16, Designation and use of restricted area, Sec. 35-17, Designation and general use of recreational area, Sec. 35-19, Commercial activities, Sec. 35-20, Entering or remaining in watershed area prohibited during certain hours, Sec. 35-22, Fishing, Sec. 35-23, Swimming prohibited, Sec. 35-24, Picnicking, Sec. 35-25, Fires generally, Sec. 35-26, Smoking or lighting flame on pier, Sec. 35-27, Littering, Sec. 35-28, Domestic animals not to run at large, and Sec. 35-30, Possession or discharge of firearms, of Division 1, Generally, of Article II, Carvins Cove Area; Sec. 35-42, Generally, Sec. 35-43, City not responsible for boats, Sec. 35-44, Boat permits and certificates, Sec. 35-46, Limitation on length of boat and size of motor, Sec. 35-47, Metal boats to have adequate air chambers, Sec. 35-50, Mooring; dockage space, and Sec. 35-56, Operation of boat at night, of Division 2, Boating, of Article II, Carvins Cove Area; adding a new section to be entitled Sec. 35-29, Hiking, biking and horseback riding, of Division 1, Generally, of Article II, Carvins Cove Area; and repealing Sec. 35-57, Special boating privileges, of Division 2, Boating, of Article II, Carvins Cove Area, of Chapter 35, Water, of the Code of the City of Roanoke (1979), as amended, are amended and reordained to read and provide as follows:

ARTICLE I. IN GENERAL

Sec. 35-1. Rules and regulations for operation of water division.

Rules and regulations governing the operation of the city's water division shall be established by resolution of the city council.

* * *

ARTICLE II. CARVINS COVE NATURAL RESERVE
DIVISION 1. GENERALLY

Sec. 35-14. Application of article; definition.

(a) The provisions of this article shall apply to the Carvins Cove Natural Reserve, subject to the rights reserved to the city and the restrictions placed on the city in the Grant of Easement dated September 17, 1998, between the City of Roanoke and the United States of America to provide for a portion of the Appalachian National Scenic Trail.

(b) Unless indicated to the contrary, the term "Carvins Cove Natural Reserve," as used in this article, shall mean all of the land, and land under water, owned by the city, situated partly in the County of Roanoke and partly in the County of Botetourt, and extending beyond the watershed of Carvins Creek, containing approximately twelve thousand (12,000) acres.

Sec. 35-15. Violations of article.

Any person who shall violate any of the provisions of this article shall be guilty of a Class 2 misdemeanor, unless otherwise indicated. In addition to any fine imposed for any violation, all permits issued to such person under the provisions of this article shall be forfeited, and such person shall be required to obtain new permits before again enjoying the recreational privileges of the Carvins Cove Natural Reserve.

Sec. 35-16. Designation and use of restricted area.

That part of the Carvins Cove Natural Reserve situated immediately above and within approximately five hundred (500) feet of the dam, including land and water, shall be a permanent restricted area and the boundaries thereof suitably marked. These boundaries may be reasonably extended or contracted, from time to time, in the discretion of the city manager. The establishment of this restricted area is for the specific purpose of safeguarding the city's water supply. However, the dam may be visited by persons on foot only for the purpose of obtaining general views of the dam and adjoining area. Employees of the city, when engaged in the performance of their duties, may visit the restricted area at any time.

Sec. 35-17. Designation and general use of recreational area.

(a) That part of the Carvins Cove Natural Reserve beyond the restricted area, as defined in section 35-16, is hereby designated as a recreational area, to be enjoyed by the general public under the supervision of the city manager, and in accordance with the

rules and regulations contained in this article. The recreational area shall be visited and departed from via Virginia state routes designated as Nos. 648 and 740 (via Bennett Spring).

* * *

Sec. 35-18. Temporary suspension

(a) All recreational privileges permitted in the Carvins Cove Natural Reserve may be temporarily discontinued by the city manager to preserve the safety of the water supply; or

(b) Whenever climatic or other conditions cause the Carvins Cove Natural Reserve, or any part thereof, to become hazardous for recreational purposes in the opinion of the city manager, the city manager may close the area, or the part thereof rendered hazardous, until such hazardous conditions terminate or are abated.

Sec. 35-19. Commercial activities.

No person shall engage in any commercial (for profit) activity within the Carvins Cove Natural Reserve.

Sec. 35-20. Entering or remaining in watershed area prohibited during certain hours.

(a) No person shall go upon, or remain upon, any part of the Carvins Cove Natural Reserve between 10:00 p.m. and 6:00 a.m. from April 1 through October 31 of any calendar year, and no person shall go upon, or remain upon, any part of the Carvins Cove Natural Reserve between 7:00 p.m. and 8:00 a.m. from November 1 through March 31 of any calendar year.

(b) This section shall not apply to city employees when engaged in the performance of their duties.

Sec. 35-21. Contamination, etc., of watershed area.

No person shall endanger, contaminate or pollute the Carvins Cove National Reserve.

Sec. 35-22. Fishing.

(a) It shall be lawful for all persons who comply with this article and the laws of the state to fish within the Carvins Cove Natural Reserve between 6:30 a.m. and 9:30 p.m. from April 1 through October 31 of any calendar year, and 8:30 a.m. and 6:30 p.m. from November 1 through March 31 of any calendar year, without paying any fee to the

city for the privilege of fishing during those hours.

(b) Fishing shall be permitted in the Carvins Cove Natural Reserve from boats, from the shore and, when established, from fishing piers, but not from boat piers or within the boat docks. No fish, of any kind, taken from the waters of the area shall be sold or bartered.

(c) No aquatic bait, including but not limited to minnows or other fish, crayfish or frogs, shall be used in fishing in the Carvins Cove Natural Reserve. No aquatic bait containers shall be in the possession of any person in the Carvins Cove Natural Reserve.

Sec. 35-23. Swimming prohibited.

It shall be unlawful for any person to swim, wade or bathe in the reservoir, or in any stream flowing into the reservoir within the Carvins Cove Natural Reserve.

Sec. 35-24. Picnicking.

Picnicking shall be permitted in designated areas only.

Sec. 35-25. Fires generally.

No person shall light any fire within the Carvins Cove Natural Reserve, except charcoal fires may be lit in charcoal grills provided by the city for such purpose.

Sec. 35-26. Smoking or lighting flame on pier.

No person shall smoke or light any flame on a boat pier in the Carvins Cove Natural Reserve.

Sec. 35-27. Littering.

No person shall deposit or leave any garbage, rubbish or trash in the Carvins Cove Natural Reserve, except in receptacles provided therefor.

Sec. 35-28. Domestic animals not to run at large.

It shall be unlawful for any person to permit any dog or other domestic animal owned by him or under his control to run at large within the Carvins Cove Natural Reserve.

* * *

Sec. 35-30. Possession or discharge of firearms.

No person shall enter or remain upon any portion of the Carvins Cove Natural Reserve while in possession of firearms; nor shall any person discharge any firearm within the area, except when authorized by the city manager for the purpose of controlling an animal population which threatens the quality of the water supply.

* * *

DIVISION 2. BOATING

Sec. 35-42. Generally.

Boating shall be permitted on the reservoir whenever the area is open for recreational purposes within the limits set forth in the provisions of this division.

Sec. 35-43. City not responsible for boats.

The city shall not be liable, in any manner, for the safety of boats placed in the reservoir or left in the Carvins Cove Natural Reserve, nor for their theft or damage.

Sec. 35-44. Boat permits and certificates.

(a) No person shall place a boat upon the reservoir, either for regular or temporary use, without first securing a permit for such boat from the city manager. Application for such permit shall be filed on a form provided for the purpose. Such application shall be accompanied by a permit fee in such amount as is prescribed by the city council. Permits shall be issued only for boats owned by residents of the City of Roanoke, City of Salem, Town of Vinton, Roanoke County, Bedford County or Botetourt County. Applicants for permits may be required to provide proof of residency and to certify that the boat for which the permit is applied has not been in any waters other than Carvins Cove Natural Reserve in the twenty-one (21) days immediately preceding the proposed launching at the Carvins Cove Natural Reserve.

* * *

(c) When in the Carvins Cove Natural Reserve, persons in actual charge of boats shall have their permits available at all times for inspection.

(d) The city manager may waive or modify the requirements of this section for boats operated by the city or by any state or federal agency.

* * *

Sec. 35-46. Limitation on length of boat and size of motor.

(a) It shall be unlawful for any person to operate on the reservoir any boat exceeding twenty (20) feet in length or any boat powered by a gasoline boat motor exceeding ten (10) horsepower.

(b) This section shall not apply to boats operated by city, state or federal employees when such employees are engaged in the performance of their duties..

Sec. 35-47. Metal boats to have adequate air chambers.

No metal boat without air chambers adequate for flotation of such boat in the event of capsizing shall be brought on the reservoir at any time.

* * *

Sec. 35-50. Mooring.

(a) No boat shall be left or allowed to remain in the Carvins Cove Natural Reserve overnight.

(b) All boats moored or tied up at piers shall be secured in such a manner as will prevent them from striking or damaging other boats or property.

* * *

Sec. 35-56. Operation of boat at night.

Any person may use, occupy or operate any boat on the waters of the reservoir between 6:30 a.m. and 9:30 p.m. from April 1 through October 31 of any calendar year, and 8:30 a.m. and 6:30 p.m. from November 1 through March 31 of any calendar year, in accordance with all other applicable local, state or federal laws or regulations. Employees of the city, when engaged in the performance of their duties may use, occupy or operate a boat on the water of the reservoir at any time.

2. Division I, Generally, of Article II of Chapter 35, Water, of the Code of the City of Roanoke (1979), as amended, is hereby amended by the addition of a new section to read and provide as follows:

Sec. 35-29. Hiking, biking and horseback riding.

Hiking, biking, and horseback riding shall be permitted in only the areas designated by the City Manager for such activities.

3. Section 35-57, Special boating privileges, of Division 2, Boating, of Article II, Carvins Cove Natural Reserve, of Chapter 35, Water, of the Code of the City of Roanoke (1979), as amended, and subsections (a) and (d) of Section 35-44, Boat permits and certificates, is hereby REPEALED.

4. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

April 16, 2001

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

Subject: Authority to Demolish, Secure
or Repair Buildings

Background:

The Virginia Building Maintenance Code was revised by the state in September, 2000. Among the changes was the deletion of a locality's authority to demolish or board up buildings (except in emergencies), unless the locality has adopted authority under other provisions of the Code of Virginia.

The City of Roanoke has authority under Section 15.2-906 of the Code of Virginia to demolish, repair or board up a structure that might endanger public health or safety, if the owner does not. The City may recover its costs by billing the property owner and placing a lien against the property.

The Code of the City of Roanoke (1979), as amended, needs to be modified to ensure that the City continues to have authority to board up and demolish unsafe structures and perform repairs on unsafe deteriorating structures when the owner does not.

Considerations:

Unsafe and deteriorated buildings are one of the prime subjects of complaints and detract from the health and vitality of neighborhoods. Without a change in the City Code to reflect the changes in state code, the City would lack authority to demolish, repair, or secure such buildings.

Recommended Action:

Amend Section 7-2 of the Code of the City of Roanoke (1979), as amended, to authorize the removal, repair or securing of unsafe structures, as authorized by Section 15.2-906 of the Code of Virginia.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:mpf

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
George C. Snead, Jr., Assistant City Manager for Community
Development

CM01-0039

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending Section 7-2, Recovery of cost when city removes, repairs, or secures unsafe building, of Chapter 7, Building Regulations, of the Code of the City of Roanoke (1979), as amended, to provide for the recovery of costs when the city removes, repairs or secures buildings, walls, or other structures which might endanger the public health or safety; and providing for an emergency.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The Code of the City of Roanoke (1979), as amended, is hereby amended and reordained by amending Section 7-2, Recovery of cost when city removes, repairs, or secures unsafe building, of Chapter 7, Building Regulations, to read and provide as follows:

Sec. 7-2. Removal, repair, or securement of structures; recovery of costs.

- (a) The City Manager may require owners of property within the City to remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the City.
- (b) The City Manager, through City employees or others hired for such purpose, may remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the city, if the owner and lien holder of such property, after reasonable notice, and a reasonable time to do so, fail to remove, repair or secure the building, wall or other structure. For purposes of this section, repairs may include maintenance to the exterior of a building to prevent deterioration of the building or adjacent buildings when necessary to protect the public health or safety.

- (c) For the purposes of this section, reasonable notice shall include a written notice (i) sent by certified or registered mail, return receipt requested, to the last known address of the property owner, and (ii) published once a week for two successive weeks in a newspaper having general circulation in the city.
- (d) No action shall be taken by the City Manager to remove, repair or secure any building, wall or other structure for at least thirty (30) days following the later of the return of the receipt or newspaper publication.
- (e) In the event the City Manager removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this section, the costs or expenses thereof shall be chargeable to, and paid by, the owner of such property and may be collected by the city as taxes are collected.
- (f) Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided by law.
- (g) The director of finance, when in his discretion it is just and proper to do so, may waive liens imposed pursuant to this section whenever doing so will facilitate the sale of the property and encourage its productive reuse. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

2. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this ordinance shall be in full force and effect upon its passage.

ATTEST:

City Clerk.

April 16, 2001

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Portable Radios and
 Accessories;
 Bid No. 01-03-16

Background:

The City Sheriff's Office and Jail has radio equipment that has served its useful life and is no longer economically advisable to repair. The original portable radios were purchased in 1995 and the repeater in 1985. This equipment is no longer manufactured and repair parts are expensive and difficult to find. The manufacturers of this equipment have advised that once their parts supply is depleted, they will be unable to restock. It is important that this system be replaced because it provides the "man down" security feature for departmental personnel while on duty. Bids were solicited for replacement of this radio system.

Considerations:

Four (4) bids were received. All bids received were evaluated in a consistent manner. Kane's Communication Systems, Inc., Salem, Virginia was the low responsive and responsible bidder and meets the required specifications. Funding is available in account #001-140-3310-9015.

Honorable Ralph K. Smith, Mayor, and Members of City Council

April 16, 2001

Page 2

Recommended Action:

Authorize the City Manager to accept the bid from Kane's Communication Systems, Inc. for portable radios and accessories at a cost of \$165,701.11 and reject all other bids.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB: bdf

c: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
James D. Grisso, Director of Finance
George M. McMillan, City Sheriff
Barry L. Key, Manager, OMB
Robert L. White, Manager, Purchasing

CM01-0041

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION accepting the bid of Kane's Communication Systems, Inc., for the purchase of portable radios and accessories for the City Sheriff's Office and Jail, upon certain terms and conditions; and rejecting all other bids made for such items.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The bid submitted by Kane's Communication Systems, Inc., for the purchase of portable radios and accessories as set forth in the City Manager's letter to Council dated April 16, 2001, at a total cost of \$165,701.11 is hereby ACCEPTED.

2. The City's Purchasing Manager is hereby authorized and directed to issue the necessary purchase order for the purchase of portable radios and accessories, and the City Manager is authorized to execute, for and on behalf of the City, any required purchase agreements with respect to the aforesaid portable radios and accessories, such agreements to be in such form as shall be approved by the City Attorney.

3. Any and all other bids made to the City for the aforesaid items or alternate items are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express to each the City's appreciation for such bid.

ATTEST:

City Clerk.

April 16, 2001

Honorable Ralph Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

Subject: Revision to Alcohol Ordinance

Background:

Special events have become an important asset to the Roanoke community. Many of these events are held in Roanoke parks or plazas. For certain events, attendance and patron enjoyment are increased when alcoholic beverages are available.

City Code §26-97, Possession or consumption of alcoholic beverages, Article IV, Parks, Chapter 24, Public Buildings and Property, prohibits possessing or drinking alcohol in any City park. The attached ordinance amending §26-97 would provide for the possession or consumption of alcoholic beverages pursuant to the conditions of a City Manager issued Alcohol Permit for certain specific locations: Elmwood Park, Mill Mountain Park, Century Square, First Union Plaza, and Mountain View.

Considerations:

Under the revised ordinance, only 501 (c), nonprofit organizations would be allowed to apply for the Alcohol Permit. Issuance of the permit would be conditioned on the applicant also having received a permit or license from the State ABC Board and, providing evidence of appropriate insurance. In addition, the amendment would create a \$50.00 fee for the City's issuance of the Alcohol Permit, and require a \$500.00 damage/clean-up deposit.

Rationale for the inclusion of each of the proposed locations in the amendment is as follows:

Elmwood Park is a key festival area for the City. Alcohol is currently served just outside the boundaries of the park during some festivals. Enactment of the proposed amendment to §26-97 would allow festival organizers to place the area where alcohol can be consumed closer to the entertainment. (An example is the Taste of the Blue Ridge Blues and Jazz Festival.)

The Honorable Mayor and Members of Council
April 16, 2001
Page 2

The Discovery Center, located in Mill Mountain Park, when opened, will be available for rental, and with its location in the City's signature park, is an ideal location for small-scale entertainment. Mill Mountain Park is also a desirable location for festivals.

Century Square, First Union Plaza, and Mountain View are also great locations for after-hours activities, business functions, and fund raising events. Alcohol is currently being permitted at these three locations because in the past these properties were not considered parks by Parks and Recreation.

Recommended Action:

Approve the attached ordinance amending and reordaining §24-97, Possession or consumption of alcoholic beverages, Article IV, Parks, Chapter 24, Public Buildings and Property; and, that City Council amend the Fee Compendium to reflect the new fee of fifty dollars (\$50.00) for an Alcohol Permit and the refundable damage/clean-up deposit of five hundred dollars (\$500.00).

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:WBR:kaj

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Wanda B. Reed, Acting Director of Parks and Recreation
A. L. Gaskins, Police Chief

CM01-0043

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §26-97, Possession or consumption of alcoholic beverages, of Article IV, Parks, of Chapter 24, Public Buildings and Property Generally, of the Code of the City of Roanoke (1979), as amended, by adding new subsections (a) and (b), to provide for possession or consumption of alcoholic beverages in Elmwood Park, Century Square at Church Avenue, S.E., across from Fire Station No. 1, Mill Mountain Park, Mountain View and First Union Plaza at Market Street, S.E., adjacent to the Market Square Walkway; amending the City's Fee Compendium to establish a fee in connection with the City's issuance of an Alcohol Permit and a requirement of posting a refundable deposit; and providing for an emergency.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 24-97, Possession or consumption of alcoholic beverages, of Article IV, Parks, of Chapter 24, Public Buildings and Property Generally, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

Sec. 24-97. Possession or consumption of alcoholic beverages.

(a) If any person, in or upon the grounds of any city park, shall take a drink of any alcoholic beverage or have in his possession any alcoholic beverage or any beverage in any container labeled as an alcoholic beverage, he shall be guilty of a Class 4 misdemeanor. As used in this section, the term "alcoholic beverage" shall have the meaning set forth in Section 4.1-100, Code of Virginia (1950), as amended.

(b) Subsection (a) of this section notwithstanding, the city manager is hereby authorized to allow alcoholic beverages to be consumed on the premises of Elmwood Park, Century Square at Church Avenue, S.E., across from Fire Station No. 1 (“Century Square”), Mill Mountain Park, Mountain View and First Union Plaza at Market Street, S.E., adjacent to the Market Square Walkway (“First Union Plaza”), hereinafter collectively referred to as the “designated park facilities,” under the following conditions:

- (1) Any applicant seeking to serve or permit the consumption of alcoholic beverages in the designated park facilities, shall apply to the city manager for an Alcohol Permit, allowing the possession, consumption, distribution or sale of alcoholic beverages within the designated park facilities. If the Alcohol Permit is issued by the city manager, the applicant shall also obtain all appropriate permits and licenses from the State Department of Alcoholic Beverage Control (“ABC Board”). The issuance of the City’s Alcohol Permit shall be conditioned upon the issuance of a permit or license by the ABC Board on the same terms and conditions as the City’s Alcohol Permit. A copy of the ABC permit shall be filed with the city manager at least three (3) business days before the first day of the event which is the subject of the City’s Alcohol Permit;
- (2) Only section 501(c), nonprofit organizations, as that term is used and applied in Title 42 of the United States Code, may apply for the City’s Alcohol Permit;
- (3) The applicant shall comply in all respects with all applicable rules, regulations, terms and conditions of the ABC Board, or any permit or license issued by the ABC Board;
- (4) The city manager shall designate, in writing, the time and place where alcoholic beverages may be possessed, consumed, distributed or sold within the designated park facilities;
- (5) No City Alcohol Permit shall be issued which shall allow the possession, consumption, distribution or sale of alcoholic beverages or after 10:00 p.m. of any day;
- (6) At the time of application, the applicant shall produce written evidence, satisfactory to the city manager, of its status as a section 501(c) nonprofit organization and shall pay the fee for the City Alcohol Permit as set forth in the Fee Compendium as the same is amended from time to time by City Council;
- (7) No glass containers shall be used to consume alcoholic beverages within the boundaries of the designated park facilities;

- (8) Each applicant, other than the City of Roanoke Special Events Committee, shall obtain insurance of a type and for an amount acceptable to the Office of Risk Management for the City of Roanoke. The issuance of the City's Alcohol Permit shall be conditioned upon the applicant providing a copy of a certificate of insurance, evidencing appropriate and acceptable insurance, at the time of application;
- (9) Each application shall be accompanied by a refundable deposit as set forth in the fee compendium as amended from time to time by City Council. The refundable deposit shall be for any clean-up necessitated by the applicant's use of the designated park facilities. The determination of whether any clean-up is necessitated by the applicant's use of either of the designated park facilities, and the cost of that clean-up, shall be within the city manager's sole and absolute discretion. The amount of any refund shall be determined within five (5) business days after the last day of an event which is the subject of a City Alcohol Permit, and any refund, or notice of no refund, shall be made as soon as reasonably possible after the five (5) business day period. In the event that the cost of the clean-up exceeds the amount of the refundable deposit, the applicant shall be responsible for the difference;
- (10) The fee for an Alcohol Permit to allow alcoholic beverages to be consumed on the premises of the designated park facilities, pursuant to this section, shall be as set forth in the Fee Compendium as amended from time to time by the City Council; and
- (11) The city manager is authorized to make such other rules and regulations not inconsistent with the Code for the City of Roanoke (1979), as amended, or the Code of Virginia (1950), as amended, as may be necessary to govern the use of the premises where alcoholic beverages may be possessed, consumed, distributed or sold.

2. The Fee Compendium of the City, maintained by the Director of Finance and authorized and approved by the City Council by Resolution No. 32412-032795, adopted March 27, 1995, effective as of that date, shall be amended to reflect the new fee of fifty dollars (\$50.00) for an Alcohol Permit

pursuant to §24-97(b)(10) of the Code of the City of Roanoke (1979), as amended, and the refundable deposit of five hundred dollars (\$500.00) pursuant to §24-97(b)(9) of the Code of the City of Roanoke (1979), as amended.

3. Resolution No. 32412-032795 is hereby amended to the extent and only to the extent of any inconsistency with this Resolution.

4. The fee and deposit established by this Resolution shall remain in effect until amended by this Council.

5. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this ordinance shall be in full force and effect upon its passage.

ATTEST:

City Clerk.

April 16, 2001

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Fund appropriation from
Capital Maintenance And
Equipment Replacement
Program

Background:

On October 2, 2000, City Council concurred with the funding recommendations for the FY '00-'01 Capital Maintenance and Equipment Replacement Program (CMERP). CMERP is used to fund equipment purchases, maintenance and other one-time priority purchases.

Considerations:

City Council's approval is required for the appropriation of funds from CMERP to various accounts to allow for the acquisition of items listed on Attachment "A" of this report. All acquisitions will be accomplished in accordance with the City's Procurement Policies, as set out in Chapter 23.1 of the Code of the City of Roanoke, Virginia.

Recommended Action:

City Council approve the budget ordinance to appropriate \$97,200.00 to departmental accounts as follows:

1. \$60,000.00 to an account in the Capital Projects Fund to be established by the Director of Finance.
2. \$37,200.00 to Signal & Alarms Account #001-530-4160-3050.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB: bdf

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Barry L. Key, Director, OMB
Robert K. Bengtson, Director, Public Works
D. Darwin Roupe, Director, General Services
Robert L. White, Manager, Purchasing

CM01-0044

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a bid and execution of a contract with Clean Sweep of the Roanoke Valley, Inc., for the provision of restroom cleaning services in City parks, upon certain terms and conditions, and rejecting all other bids received.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The bid of Clean Sweep of the Roanoke Valley, Inc., being the lowest responsible bid received for the provision of restroom cleaning services in City parks, such services being more particularly described in the April 16, 2001, letter to this Council, is hereby ACCEPTED.

2. The City Manager and the City Clerk are hereby authorized, for and on behalf of the City, to execute and attest, respectively, a contract with Clean Sweep of the Roanoke Valley, Inc., upon form approved by the City Attorney, for the services listed above for a period of one (1) year, at a cost of \$65,425.00, with the option to renew for four (4) additional one-year periods, upon such terms and conditions as are more fully set out in the letter to this Council dated April 16, 2001.

3. Any and all other bids made to the City for the aforesaid services are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express the City's appreciation for such bid.

ATTEST:

City Clerk.

April 16, 2001

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: City Parks Restroom
Cleaning Service
Bid #01-02-81

Background:

Parks and Grounds currently has the responsibility, with the use of City employees, for cleaning City Parks restrooms. With the need for improved services, improved safety factors and the ability to meet our customer's needs, the City has sought responsible firms to provide bids to furnish this service.

Specifications were developed and, along with an Invitation for Bid, were specifically sent to nine (9) providers. The bid was publically advertised in accordance with Chapter 23.1 of the Code of the City of Roanoke.

Considerations:

Two (2) bids were received and evaluated in a consistent manner. Clean Sweep of the Roanoke Valley, Inc., Roanoke, Virginia, was the lowest responsive and responsible bidder meeting all required specifications with a cost of \$65,425.00 annually. Funding is available in account #001-620-4340-2010.

Recommended Action:

Authorize the City Manager to enter into a contract, in a form approved by the City Attorney, with Clean Sweep of the Roanoke Valley, Inc. for City Parks

Restroom Cleaning Service for one (1) year with the option by both parties, in writing, to renew for four (4) additional one (1) year periods, and reject all other bids.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB: bdf

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Wanda B. Reed, Acting Director of Parks & Recreation
Barry L. Key, Manager, OMB
Robert L. White, Manager, Purchasing

CM01-0045

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a bid and execution of a contract with Clean Sweep of the Roanoke Valley, Inc., for the provision of restroom cleaning services in City parks, upon certain terms and conditions, and rejecting all other bids received.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The bid of Clean Sweep of the Roanoke Valley, Inc., being the lowest responsible bid received for the provision of restroom cleaning services in City parks, such services being more particularly described in the April 16, 2001, letter to this Council, is hereby ACCEPTED.

2. The City Manager and the City Clerk are hereby authorized, for and on behalf of the City, to execute and attest, respectively, a contract with Clean Sweep of the Roanoke Valley, Inc., upon form approved by the City Attorney, for the services listed above for a period of one (1) year, at a cost of \$65,425.00, with the option to renew for four (4) additional one-year periods, upon such terms and conditions as are more fully set out in the letter to this Council dated April 16, 2001.

3. Any and all other bids made to the City for the aforesaid services are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express the City's appreciation for such bid.

ATTEST:

City Clerk.

April 16, 2001

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Bids for Long Distance
Network;
Bid No. 01-01-59

Background:

The City currently has approximately 2,500 Centrex lines that include the Roanoke School System and City administration. An Invitation for Bid for long distance network was issued on January 26, 2001, as the current contract with OneStar Long Distance, Inc. expired on January 21, 2001. The city is currently operating on a month-to-month contract with this company.

Considerations:

Two (2) bids were received and evaluated in a consistent manner. Both bids did not meet City specifications as set forth in the Invitation for Bid. Telcom Management Group (TMG) assisted the City bid committee in the evaluation of all responses. TMG has no association with the responding firms.

Following the bid committee's evaluation, other alternatives were investigated with regard to long distance networking. The Commonwealth of Virginia has a new COVANET contract for voice and data network. The contract, as procured by the State, provides that local governments may participate. This arrangement has no terms or volume requirements, only necessitating a month-to-month agreement. This would be to our advantage with the industry in constant change and with our current telephone system bid in process. Prices through the State Contract are confirmed at a guaranteed rate until June, 2001, at which time contract prices will decrease. Funding is available in operating accounts to cover the cost of the service. See Attachment A for current rates.

Honorable Ralph K. Smith, Mayor, and Members of City Council

April 16, 2001

Page 2

Recommended Action:

1. Reject all bids received by the City for long distance network services.
2. Authorize the City Manager to sign all necessary forms and agreements with the Department of Information Technology (DIT), a State agency, to use the COVANET service at rates not to exceed the current rates plus five (5) percent.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB: bdf

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Joe D. Slone, Director of Technology
Barry L. Key, Manager, OMB
Robert L. White, Manager, Purchasing

CM01-0055

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION rejecting all bids to provide long distance network service.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. All bids received by the City and on file in the Purchasing Department for long distance network service are hereby REJECTED.
2. The City Clerk is directed to notify all bidders and to express to each the City's appreciation for such bids.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the purchase of certain services for long distance network service by utilizing the Commonwealth of Virginia's contract with a certain vendor; and authorizing the proper City officials to execute the requisite agreements for such service.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The purchase of long distance network service, COVANET, under state-awarded contract from MCI Worldcom through the State Department of Information Technology (DIT) is hereby authorized on a month-to-month basis at current rates, as set forth in the City Manager's letter to Council dated April 16, 2001, at rates less than current rates, and at rates greater than current rates as long as the rates do not increase by more than five (5) percent.

2. The City Manager and the City Clerk are hereby authorized, on behalf of the City, to execute and attest, respectively, the requisite forms and agreements with the Department of Information Technology, such agreements to be in such form as is approved by the City Attorney.

ATTEST:

City Clerk.

April 16, 2001

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Playground Equipment
 and Surfacing;
 Bid No. 00-12-74

Background:

City Council appropriated Capital Improvement Projects (CIP) funds on August 21, 2000 for replacement of outdated playground equipment in various City parks, including \$782,000 to account #008-620-9735-9001.

Specifications were developed and, along with an Invitation for Bid, were specifically sent to eleven (11) providers. The bid was publicly advertised in accordance with Chapter 23.1 of the Code of the City of Roanoke.

Considerations:

Five (5) bids were received. All bids received were evaluated in a consistent manner. Cunningham Associates, Inc., of Charlotte, North Carolina was the low responsive and responsible bidder and meets the required specifications with a total cost of \$636,515.20 for upgrading nineteen (19) parks per Attachment A.

Recommended Action:

Authorize the City Manager to accept the bid from Cunningham Associates, Inc. for playground equipment and surfacing for nineteen (19) City parks for a total cost of \$636,515.20 and reject all other bids. Authorize the Manager of Purchasing to issue the requisite purchase order for the above mentioned items.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:bdf

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Wanda B. Reed, Acting Director of Parks & Recreation
Barry L. Key, Manager, OMB
Robert L. White, Manager, Purchasing

CM01-0052

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a bid and execution of a contract with Cunningham Associates, Inc., for the provision of playground equipment and surfacing for nineteen (19) City parks, upon terms and conditions, and rejecting other bids received.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The bid of Cunningham Associates, Inc., being the most lowest responsive bid received for the provision of playground equipment and surfacing for nineteen (19) City parks, for the total cost of \$636,515.20, as more particularly described in the April 16, 2001, letter to this Council, is hereby ACCEPTED.

2. The City Manager and the City Clerk are hereby authorized, for and on behalf of the City, to execute and attest, respectively, a unit price contract with Cunningham Associates, Inc., upon form approved by the City Attorney, for the equipment and work listed above, upon such terms and conditions as are more fully set out in the letter to this Council dated April 16, 2001.

3. Any and all other bids made to the City for the aforesaid equipment and work are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express the City's appreciation for such bid.

ATTEST:

City Clerk.

April 16, 2001

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: City Committees, Commissions, and Appointments

Dear Mayor Smith and Members of Council:

This is to follow up on Council's directive of April 2, 2001, with regard to the recommendations made by the committee appointed by Council to review and make recommendations regarding restructuring of the City's authorities, boards, commissions, and committees. In order to implement some of these proposals, I have prepared and you will find attached three ordinances and a resolution. One ordinance would discontinue the City Investment Committee and another the Water Resources Committee. Also attached is an ordinance which would change the procedure for electing trustees to the Roanoke City School Board to eliminate the requirement that a public reception be held for School Board applicants. I have also attached a resolution which would discontinue various other committees and appointments made by City Council, including the Economic Development Commission and the Revenue Study Commission, as recommended.

Please let me know if you have any questions about any of these measures

With kindest personal regards, I am

Sincerely yours,

William M. Hackworth
City Attorney

WMH:f

Attachments

cc: Darlene L. Burcham, City Manager
James D. Grisso, Director of Finance
Mary F. Parker, City Clerk

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending Chapter 2, Administration, Article XIV, Authorities, Boards, Commissions and Committees Generally, Division II, Permanent Committees, of the Code of the City of Roanoke (1979), as amended, by repealing §2-302, City Investment Committee; and providing for an emergency.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. Chapter 2, Administration, Article XIV, Authorities, Boards, Commissions and Committees - Generally, Division II, Permanent Committees, of the Code of the City of Roanoke (1979), as amended, is hereby amended by repealing §2-302, City Investment Committee, and such section is hereby REPEALED.

2. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this ordinance shall be in full force and effect upon its passage.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending Chapter 2, Administration, Article XIV, Authorities, Boards, Commissions and Committees Generally, Division II, Permanent Committees, of the Code of the City of Roanoke (1979), as amended, by repealing §2-300, Water Resources Committee; and providing for an emergency.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. Chapter 2, Administration, Article XIV, Authorities, Boards, Commissions and Committees - Generally, Division II, Permanent Committees, of the Code of the City of Roanoke (1979), as amended, is hereby amended by repealing §2-300, Water Resources Committee, and such section is hereby REPEALED.

2. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this ordinance shall be in full force and effect upon its passage.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending Article II, Procedure for Election of School Trustees, of Chapter 9, Education, of the Code of the City of Roanoke (1979), as amended, by repealing subsection (a) of §9-19, Preliminary screening of candidates, to eliminate the requirement of holding a public reception for School Board applicants, and providing for an emergency.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. Article II, Procedure for Election of School Trustees, of Chapter 9, Education, of the Code of the City of Roanoke (1979), as amended, is hereby amended by repealing subsection (a) of §9-19, Preliminary screening of candidates, and such section shall read and provide as follows:

§9-19. Preliminary screening of candidates.

On or before March 31 of each year, the council, as a committee of the whole, shall, at a regular or special meeting, review and consider all candidates for the position of school trustee. At such meeting, the council shall review all applications filed in accordance with this article for the position of school trustee, and the council may elect to interview candidates for such position.

2. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this ordinance shall be in full force and effect upon its passage.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION discontinuing certain Council-appointed commissions and committees, and appointments by Council to certain committees.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The Economic Development Commission established by Resolution No. 26308, adopted on December 13, 1982, is here by discontinued, and such resolution is hereby REPEALED.

2. The Revenue Study Commission established by Resolution No. 19768, adopted July 6, 1971, is here by discontinued, and such resolution is hereby REPEALED.

3. The following committees are hereby discontinued:

City Taxes Committee
Downtown Housing Task Force
Metropolitan Transportation Planning District Study Commission
Bid Specifications Committee.

4. City Council hereby discontinues the practice of appointing City representatives to the following:

Roanoke Valley Cooperative Study Committee
Upper Roanoke River Sub-Area Advisory Committee
Center in the Square Board of Directors.

ATTEST:

City Clerk.

April 16, 2001

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

Subject: Bid Committee Report
Bridge Repairs 2001
Bid No. 01-02-60

After proper advertising, bids were received for the Bridge Repairs 2001 Project. This project consists of various repairs to four (4) City bridges, Franklin Road over Roanoke River, 13th Street over Tinker Creek, Mason Mill Road over Tinker Creek and Read Road over Norfolk Southern Railway.

One (1) bid was received from Lanford Brothers Company, Incorporated, 122 North Commerce Street, Roanoke, Virginia 24019, in the amount of \$151,526.24. The construction time was specified as sixty (60) consecutive calendar days.

Funding is available in Bridge Maintenance account number 008-052-9549-9003 and Transfer to Capital account number 001-250-9310-9508.

Recommended Actions:

Accept the above bid and award a unit price contract for the above work with Lanford Brothers Company, Incorporated in the amount of \$151,526.24 and 60 consecutive calendar days of contract time.

Authorize the City Manager to enter into a contractual agreement for the above work.

The Honorable Mayor and Members of Council
April 16, 2001
Page 2

Authorize the Director of Finance to transfer \$150,000 from Transfer to Capital account number 001-250-9310-9508 to the existing Bridge Maintenance account number 008-052-9549-9003.

Respectfully submitted,

William H. Carder

W. Alvin Hudson

Philip C. Schirmer

I concur in the recommendation of the Bid Committee and recommend it to you for approval.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/JGB/bls

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
D. Darwin Roupe, Director of General Services

CM01-0046

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Capital Projects Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2000-2001 Capital Projects Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Streets and Bridges	\$ 26,375,931
Bridge Maintenance (1).	1,058,650

Revenues

Nonoperating	\$ 3,724,818
Transfers from Other Funds (2)	3,724,818

1) Appropriated from		
General Revenue	(008-052-9549-9003)	\$ 150,000
2) Transfer from		
General Fund	(008-110-1234-1037)	150,000

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a bid and execution of a contract with Lanford Brothers Company, Incorporated, for making various repairs to four bridges within the City, upon certain terms and conditions.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The bid of Lanford Brothers Company, Incorporated, being the only bid received for making various repairs to four bridges within the City for the amount of \$151,526.24, as more particularly described in the April 16, 2001, letter to this Council, is hereby ACCEPTED.

2. The City Manager and the City Clerk are hereby authorized, for and on behalf of the City, to execute and attest, respectively, a unit price contract with Lanford Brothers Company, Incorporated, upon form approved by the City Attorney, for the work listed above, upon such terms and conditions as are more fully set out in the letter to this Council dated April 16, 2001.

ATTEST:

City Clerk.

April 16, 2001

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

Subject: Bid Committee Report
Ballfield Improvements at
Wasena Park – Field 2 and
Fallon Park
Bid No. 01-03-64

City Council appropriated \$493,253 of CIP funds on August 21, 2000 for renovations to City park softball/baseball fields. Phase I of this program involves two (2) fields; Wasena Park - Field 2 and Fallon Park. An invitation to bid was publicly advertised in accordance with Chapter 23.1 of the Code of the City of Roanoke.

Three (3) bids were received on Tuesday, April 3, 2001 with Breakell, Inc., 2314 Patterson Avenue, S.W., Roanoke, Virginia 24015, submitting the low responsive and responsible bid in the amount of \$135,187 (\$129,859 for the Base Bid and \$5,328 for Additive Bid Item No. 2 – to provide an 8 ft. wide warning strip at the base of the outfield fencing for both fields) for renovating the two (2) softball fields. Total funding required for Phase I will be \$145,500. The construction time was specified as fifty (50) consecutive calendar days. The initiation and timely completion of Phase I of this project is crucial to accommodate the upcoming City recreational softball season.

Funding is available in the project account (008-620-9737-9001).

Recommended Action:

Accept the above bid and award a lump sum contract for the above work with Breakell, Inc. in amount of \$135,187 and 50 consecutive calendar days of contract time.

The Honorable Mayor and Members of Council
April 16, 2001
Page 2

Authorize the City Manager to enter into a contractual agreement for the above work.

Reject all other bids received.

Respectfully submitted,

William H. Carder

W. Alvin Hudson

Philip C. Schirmer

I concur in the recommendation of the Bid Committee and recommend it to you for approval.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/TWK/bls

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
D. Darwin Roupe, Director of General Services

CM01-0059

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a bid and execution of a contract with Breakell, Inc., for ballfield improvements at Wasena Park - Field 2 and Fallon Park, upon terms and conditions, and rejecting other bids received.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The bid of Breakell, Inc., being the lowest responsive bid received for ballfield improvements at Wasena Park - Field 2 and Fallon Park, for the total cost of \$135,187.00, as more particularly described in the April 16, 2001, letter to this Council, is hereby ACCEPTED.
2. The City Manager and the City Clerk are hereby authorized, for and on behalf of the City, to execute and attest, respectively, a unit price contract with Breakell, Inc., upon form approved by the City Attorney, for the work listed above, upon such terms and conditions as are more fully set out in the letter to this Council dated April 16, 2001.
3. Any and all other bids made to the City for the aforesaid equipment and work are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express the City's appreciation for such bid.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION confirming the City Manager's appointment of Rolanda A. Johnson as Assistant City Manager

BE IT RESOLVED by the Council of the City of Roanoke that Council hereby confirms the City Manager's appointment communicated to Council by the City Manager's report dated April 16, 2001, of Rolanda A. Johnson as Assistant City Manager, pursuant to §7 of the City Charter, effective May 1, 2001.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION changing the time and place of commencement of the regular meeting of City Council scheduled to be held at 12:15 p.m., on Monday, May 7, 2001.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The time and place of commencement of the meeting of City Council scheduled to be held at 12:15 p.m., on Monday, May 7, 2001, in the Council Chamber, at 215 Church Avenue, S. W., is hereby changed to commence at 12:00 Noon, in the Grand Ballroom, Clarion Airport Roanoke, at 2727 Ferndale Drive, N. W., in the City of Roanoke, Virginia, with the 2:00 p.m. session on the same date to be held in City Council Chamber of the Municipal Building of the Municipal Building, at 215 Church Avenue, S. W., in the City.

2. Resolution No. 34905-070300, adopted July 3, 2000, is hereby amended to the extent it is inconsistent with this resolution.

3. The City Clerk is directed to cause a copy of this resolution to be posted adjacent to the doors of the Council Chambers and inserted in a newspaper having general circulation in the City at least seven days prior to May 7, 2001.

ATTEST:

City Clerk.

April 16, 2001

Honorable Ralph K. Smith, Mayor
and Members of City Council
Roanoke, VA

Dear Members of Council:

Subject: Proposed amendments to zoning ordinance to revise language in the LM, Light Manufacturing District, and the HM, Heavy Manufacturing Districts to provide for automobile rental services and to provide for general service establishments in the HM, Heavy Manufacturing District.

Background:

On November 7, 2000, Mr. Ed Natt, representing a client at 701 Irvine Street, requested that the zoning ordinance be amended to provide for the provision of business *and personal services* in the Light Manufacturing District as a permitted use. Similar language was also requested to be included in the HM, Heavy Manufacturing District. (See attached letter.) This request involves a private limousine service that desires to legally operate in an existing building in an industrial area of the Norwich neighborhood. City Council referred the matter to the Planning Commission for study, report and recommendation. Both Planning staff and the Commission concurred in considering this amendment to the Code.

On December 18, 2000, the Planning Commission reviewed proposed amendments, and agreed to consider amendments.

Since the Commission's meeting in December, staff revised the proposed amendments to better address the purpose of the requested amendment change -- automobile rental services -- and provide for general service establishments and the provision of business services in the HM, Heavy Manufacturing District, as well as the LM, Light Manufacturing District (where it is already permitted). Note that staff is not proposing to add the language "and personal services", as we believe that the proposed amendment better addresses Mr. Natt's issue. These amendments were presented to you at your meeting on February 15, 2001 and the Commission authorized a public hearing for March 15, 2001.

The proposed amendments will permit the following uses in the City's industrial districts:

1. Establishments involved in the rental of automobiles or the provision of a driver and an automobile on a short-term basis (i.e. taxi and limousine services) in the LM district by special exception and in the HM district as a principal permitted use. No automobile sales will be permitted and all repairs must be inside a building.
2. General service establishments, and the provision of business services, in the HM district as a principal permitted use. (This use is already provided for in the LM district.)

The Comprehensive Plan does not address specifically automobile rental services; however, the plan does recommend that because of the limited amount of existing industrially zoned land in the city, that related ordinances should protect these areas by restricting uses to industrial categories.

Planning Commission public hearing was held on Thursday, March 15, 2001. Evie Lander presented the staff report on the proposed amendment and stated that staff was recommending approval of amendment. Staff believes that the proposed amendments are consistent with the Comprehensive Plan. The proposed amendments address a public purpose in that these types of land uses can be intensive with respect to parking areas, number of vehicles, and their operations, and they are typically found in industrial areas. There was no one present in the audience either opposed to or in favor of the request.

Recommendation:

By a vote of 5-0 (Mr. Hill absent), the Planning Commission recommended approval of the proposed amendments to the LM, Light Manufacturing, and HM, Heavy Manufacturing District, regulations as set forth in the attached ordinance.

Sincerely,

D. Kent Chrisman, Chairman
Roanoke City Planning Commission

Attachments

cc: Assistant City Attorney
Edward A. Natt, Attorney

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §36.1-250, Special exception uses, by adding new subsection (9); and §36.1-270, Permitted uses, by adding new subsections (10) and (11), of Division 4, Industrial Districts, of Article III, District Regulations, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to permit certain automobile rental establishments and limousine service and taxicab establishments as special exception uses in the LM, Light Manufacturing District, and automobile rental, limousine service, taxicab and general service establishments as permitted uses in the HM, Heavy Manufacturing District; and dispensing with the second reading of the title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-250, Special exception uses, and §36.1-270, Permitted uses, of Division 4, Industrial Districts, of Article III, District Regulations, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, are hereby amended and reordained to read and provide as follows:

Sec. 36.1-250. Special exception uses.

The following uses may be permitted in the LM district by special exception granted by the board of zoning appeals subject to the requirements of this section:

* * *

- (9) Establishments engaged solely in the rental of automobiles, or the provision of a driver and an automobile on a short-term basis, provided all repair and maintenance of such automobiles available for rental occurs wholly within a building, and there is no sale, or display for sale, of any automobiles at the establishment.

* * *

Sec. 36.1-270. Permitted uses.

The following uses shall be permitted as principal uses in the HM district:

* * *

- (10) Establishments engaged solely in the rental of automobiles, or the provision of a driver and an automobile on a short-term basis, provided all repair and maintenance of such automobiles available for rental occurs wholly within a building, and there is no sale, or display for sale, of any automobiles at the establishment.
- (11) General service establishments primarily engaged in the repair or maintenance of goods or items, including automobiles, trucks, construction equipment, and the provision of business services, provided that all repair and maintenance activities are wholly enclosed in a building and provided that the gross floor area of all new buildings for such uses is not less than five thousand (5,000) square feet.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

April 16, 2001

The Honorable Ralph K. Smith, Mayor
and Members of City Council
Roanoke, Virginia

Dear Members of Council:

Subject: Request from Roanoke Valley SPCA and Sandra L. Overstreet that an undeveloped portion of Edmund Avenue, N. E., and an undeveloped portion of an alley lying parallel to and between Edmund Avenue and Baldwin Avenue, N. E., be permanently vacated, discontinued and closed.

Background:

Roanoke Valley SPCA currently operates an animal shelter for the Roanoke Region. The City of Roanoke, as well as some other surrounding localities, presently contracts with the SPCA to provide an impoundment facility for stray animals. The current animal shelter is located within the 100-year flood plain and is inadequate to serve the needs of the area.

The SPCA has pursued establishing a new animal shelter for several years. Most recently, the organization has worked with the City of Roanoke, the Town of Vinton, the County of Roanoke, and the County of Botetourt to establish a regional impoundment facility to serve the animal control needs and legal requirements of the participating localities. The impoundment facility would be operated and managed by the SPCA in conjunction with their new animal shelter.

The SPCA has a contract to purchase certain properties adjacent to its existing animal shelter for the purposes of constructing a new regional animal shelter and impoundment facility. These properties are presently under consideration for rezoning from LM, Light Manufacturing to HM, Heavy Manufacturing. Currently, the SPCA owns other property adjacent to its existing facility that it previously acquired for expansion. In 1997, the Board of Zoning Appeals issued a special exception permit for expansion of the animal shelter on those properties owned by the SPCA and zoned HM. The additional property under contract for purchase is being acquired to accommodate both an animal shelter and an impoundment facility. A new special exception permit will be required for the proposed new impoundment facility on property under consideration for rezoning.

In 1999, by adoption of Ordinance No. 34254-050399, other portions of undeveloped Edmund Avenue and an alley in this same vicinity were closed for the purposes of allowing the SPCA to construct a new animal shelter.

Petition to close the undeveloped right of way on Edmund Avenue and the alley was filed on January 4, 2001. First amended petition to close the right of ways was filed on February 7, 2001. The purpose of the request is to close the undeveloped portions of the street and alley to enable construction of a proposed new animal shelter and animal impoundment facility for regional use.

Planning Commission public hearing was held on February 15, 2001. Mr. Eric Branscom, attorney for the petitioners, presented the request. Mrs. Evelyn Lander, Director of Planning, gave the staff report and recommended approval of the requested closures.

Considerations:

Subject portions of the street and alley are undeveloped.

Subdivided lots adjacent to these undeveloped rights-of-way are either owned by the SPCA or under contract for purchase by the SPCA. Existing lots would need to be re-subdivided and combined into one tax parcel to provide appropriate public access.

Appalachian Electric Power (AEP) has indicated that there are existing facilities at Edmund Avenue and the alley. They requested that an easement be retained. No other public utilities were identified.

An easement for a 20-foot wide pedestrian and bicycle path was previously requested and included as a condition of the right-of-way closure in 1999; however, the easement was not provided because the final location of the facility had not been sited. Petitioners have indicated their continued desire to provide this easement. Petitioners have recommended locating the easement through the previously vacated right-of-way of Edmund Avenue, from 13th Street to the eastern terminus of Edmund Avenue, presently requested for closure (see attached Conceptual Site Plan).

Comprehensive Plan recommends that:

1. Development of new commercial or industrial areas in the City should be carefully planned and designed to promote quality development and good land use.
2. Cooperation of Valley governments in addressing issues which impact the larger region should be encouraged.
3. Regional facilities which serve the metropolitan community or provide joint services to areas in need should be encouraged and supported.

4. Review of traffic management systems should be on-going. Transportation systems should be carefully coordinated with adopted land use goals.

Recommendation:

Planning Commission, by a vote of 4-0 (Messrs. Manetta and Dowe absent) recommended that City Council approve the request to close and vacate subject portions of undeveloped Edmund Avenue, N. E., and the alley subject to the following conditions:

- A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise be landlocked by the requested closure, or otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress. Said plat shall also dedicate an easement for a twenty-foot wide pedestrian and bicycle trail within the vacated portions of Edmund Avenue from 13th Street, S. W. to its eastern terminus.
- B. Upon meeting all other conditions for granting the application, the applicant shall record a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, and index the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk for recording the documents.
- C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file the Clerk's receipt with the Engineer for the City of Roanoke, Virginia, demonstrating that such recording has occurred.

- D. If the above conditions have not been met within a period of one year from the date of the adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,

D. Kent Chrisman, Chairman
Roanoke City Planning Commission

attachments

cc: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
George C. Snead, Assistant City Manager for Community Development
Steven J. Talevi, Assistant City Attorney
W. Eric Branscom, Attorney for the Petitioners

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance.

WHEREAS, Roanoke Valley SPCA and Sandra L. Overstreet filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held on said application by the City Council on April 16, 2001, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing said public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

That certain undeveloped portion of Edmund Avenue, N.E., lying adjacent to Official Tax Nos. 3210616 through 3210620, inclusive, and the undeveloped portion of an alley lying adjacent to Official Tax Nos. 3210701 through 3210708, inclusive, such alley being parallel to and between Edmund Avenue and Baldwin Avenue, N.E.,

be, and are hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across said public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with said plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner

consistent with law, designating the land within the vacated right-of-way on said subdivision plat as a separate and individual non-buildable lot, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in said Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in said Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of twelve (12) months from the date of the adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

April 16, 2001

Honorable Ralph K. Smith, Mayor and City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

Subject: Request from Commonwealth Development Group of Roanoke, LLC, represented by Donald L. Wetherington, to rezone property located on Tuckawana Circle and Highland Farm Road, N.W., identified as Official Tax Nos. 6472004, 6472005, 6472006, 6472007 and 6472008, from RM-2, Residential Multifamily, Medium Density District, to LM, Light Manufacturing District, such rezoning to be subject to certain conditions proffered by the petitioner.

Background:

Commonwealth Development Group of Roanoke, LLC, is under contract to purchase five contiguous tracts, containing approximately 3.4 acres, along Tuckawana Circle and Highland Farm Road, N.W., from Mr. Umar Farooq. On February 1, 2001, Commonwealth Development filed a petition to rezone the five parcels from RM-2, Residential Multifamily, Medium Density District, to LM, Light Manufacturing District. On February 5, 2001, Commonwealth Development filed a first amended petition, requesting that the property be rezoned from RM-2 to LM, subject to the following condition:

"No part of the Property shall be used for outdoor advertising, mini-warehouses, or tractor trailer depots and repair facilities."

The property and its immediate surroundings are not served by any formal neighborhood or civic organization.

The Planning Commission held a public hearing on March 15, 2001, to consider the request. Mr. Donald Wetherington, attorney for the petitioner, appeared before the Commission to present the request. Mr. Neil Holthouser presented the staff report, recommending approval of the rezoning request. Ms. Katherine Glassbrenner (5221

Medmont Circle, N.W.), appeared before the Commission and expressed concern about safety on the site given its close proximity to a residential area with children. Mr. Richard Dickerson of R&L Properties, LLC, owners of a nearby apartment complex, appeared before the Commission and expressed concern about truck traffic entering the site. Mr. Wetherington advised that there was nothing inherently dangerous about the proposed project or its operation. He noted that truck traffic volumes are expected to be considerably less than the traffic volumes associated with the apartment complex.

Considerations:

The subject property is located along Highland Farm Road and Tuckawana Circle, N.W., and is currently zoned RM-2, Residential Multifamily, Medium Density District. The property is bounded by RM-2 and LM, Light Manufacturing districts. Adjoining land uses include a multifamily apartment complex, new townhouses, Countryside Golf Course, and the Virginia Trane office and distribution facility. The property is visible from Interstate 581, with vehicular access along Frontage Road between Peters Creek Road and Hershberger Road. The property is also accessible from Ferncliff Avenue, which is the primary access road for William Fleming High School.

Through proffered conditions, the petitioner agrees not to allow outdoor advertising, mini-warehouses, or tractor trailer depots and repair facilities, on the subject property. The petitioner has not proffered a site development plan or building elevations.

The petitioner intends to re-subdivide the five parcels to create three new parcels for light manufacturing use. Two of the new parcels would front onto Highland Farm Road, immediately across from the existing multifamily apartment complex. The petitioner intends to develop the northernmost parcel, located at the corner of Highland Farm Road and Tuckawana Circle, with an 18,000-square-foot distribution warehouse for Virginia Trane heating and air-conditioning products. The distribution center would be partially screened from Interstate 581 by the existing Virginia Trane office building.

Utilities are available to adequately serve the proposed development. Storm water management will be required to be handled on site in accordance with city development regulations.

Traffic entrances and estimated traffic volumes associated with the development are acceptable to the City Traffic Engineer. Large truck access along Frontage Road may present some problems due to the tight turn radius at Ordway Drive and heavy traffic volumes at the Peters Creek Road intersection. Alternate routing for large trucks is available off of Hershberger Road using Ferncliff Avenue, however, this route presents some problems for existing residential and school traffic.

The subject property is not located within any designated Airport Zones. However, the property's close proximity to the airport's east-west flight path presents some noise problems. Staff believes that the noise associated with the airport, as well as noise associated with I-581, makes industrial development of this property more appropriate than residential.

The City's Comprehensive Plan identifies the subject property as a potential industrial site. The Plan recommends that new industrial development be located on appropriate sites, and that development of potential industrial sites with non-industrial uses be discouraged.

Recommendation:

The Planning Commission, by a vote of 5-0 (Mr. Hill absent), recommended that City Council approve the rezoning request from RM-2, Residential Multifamily, Medium Density District, to LM, Light Manufacturing District, subject to certain conditions proffered by the petitioner.

Respectfully submitted,

D. Kent Chrisman, Chairman
Roanoke City Planning Commission

Attachments

cc: Darlene Burcham, City Manager
James D. Ritchie, Deputy City Manager
George C. Snead, Jr., Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steve Talevi, Assistant City Attorney
Donald L. Wetherington, Attorney for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 647, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance.

WHEREAS, Commonwealth Development Group of Roanoke, LLC, has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RM-2, Residential Multi-Family District, to LM, Light Manufacturing District; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on said application at its meeting on April 16, 2001, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 647 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

Five contiguous tracts of land at and near the southeastern side of Highland Farm Road and the southeasterly terminus of Tuckawana Circle, bearing Official Tax Nos. 6472004, 6472005, 6472006, 6472007 and 6472008, respectively, be, and are hereby rezoned from RM-2, Residential Multi-Family District, to HM, Heavy Manufacturing District, as set forth in the First Amended Petition filed in the Office of the City Clerk on February 5, 2001, and that Sheet No. 647 of the Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

April 16, 2001

The Honorable Ralph K. Smith, Mayor,
and Members of City Council
Roanoke, Virginia

Dear Members of Council:

Subject: Application of the City of Roanoke for the closure and vacation of a
certain portion of Albemarle Avenue, S.E.

Background:

The above-cited portion of Albemarle Avenue, S.E., is located at the southwest corner of the intersection of Albemarle Avenue and Williamson Road, S.E., (see attached Map A.). The property abutting upon the easterly side of this section of Albemarle Avenue is owned by Walters, LLC. The owner is currently renovating the existing building on the property to establish a new biomedical related business enterprise. The new enterprise, the Excel Prosthetics and Orthotics Center, will design, manufacture and fit artificial limbs for the handicapped.

The functional operation of the new center will include and require the construction of a lengthy concrete handicap access ramp that will extend from the easterly side of the existing building, along, and parallel to, the front property line for a distance of 62 feet. Attached to the street side of this ramp will be a series of nine spaced, steel I-beams partially encased in concrete columns. These columned beams, approximately 13 feet in height, will extend from the easterly side of the existing building for a distance of approximately 92 feet (see attached diagram). The completed structure will extend over and into the existing right-of-way of Albemarle Avenue S.E. for a distance of approximately 29 feet. Six of the planned nine columned beams have already been constructed at the site.

The City's purpose in closing and vacating this section of Albemarle Avenue S.E., is to provide the owners of the new center with additional land sufficient to facilitate the location and construction of this handicap ramp in exchange for a certain parcel of land that is situated adjacent to the Williamson Road, S.E., right-of-way that is needed by the City as a link to the Mill Mountain Greenway System (see attached survey plat).

The application was reviewed by the Planning Commission at its regular meeting of March 15, 2001. The City Engineer, Phil Schirmer, presented the application on behalf of the City and explained the need and purpose for the closure and vacation of the described section of Albemarle Avenue, S.E. Ted Tucker presented the report on behalf of staff and recommended approval of the requested closure.

Considerations:

The subject property is located in an LM, Light Manufacturing District. Section 36.1-254 of the Zoning Ordinance, requires that buildings be set back from the front property line for a minimum distance of 30 feet. The front building line of the existing building at this location runs contiguous with the front property line and the southerly right-of-way boundary of Albemarle Avenue S.E. Under the provisions of Section 36.1-593 (a) of the Zoning Ordinance, the existing building at this location is classified as a “nonconforming structure.” A nonconforming structure may be continued so long as the structure is maintained in its then structural condition and is not enlarged or altered in any way that increases its nonconformity.

The owner’s representative, Building Specialists, Inc., applied for and obtained a building permit that authorized renovations to the interior and exterior of the existing building on the premises. It did not authorize the construction of a new additional structure on the premises. The construction and extension of this new addition to the existing building along the same front building line constitutes a violation of the Zoning Ordinance. The owner’s representative, Building Specialists Inc., has been notified that application must be made to the Board of Zoning Appeals for a variance from the requirements of Section 36.1-593 (a) of the City’s Zoning Ordinance.

This application has been reviewed by the Department of Public Works and the City Engineer. Closure and vacation of this portion of Albemarle Avenue, S.W., will not affect or have any adverse effect on any adjacent property or owner. Easements will be retained for all existing utilities located within the subject right-of-way.

Recommendation:

The Planning Commission, by a vote of 5-0 (Mr. Hill absent) recommended that the request thereby recommending that City Council approve the City’s application to close and vacate the described portion of Albemarle Avenue S.E.. and authorize the execution of any and all documents necessary to effect the transfer of the subject properties, subject to the following conditions:

1. The City Manager shall execute and the City Clerk shall attest any and all plats, deeds, or documents approved as to form by the City Attorney, necessary to transfer whatever right of ownership the City has in the subject right-of-way to adjacent property owners and to accept the property referenced in the petition filed in this case.

2. The owner, Walters, LLC., shall apply for, and obtain, a variance from the requirements of Section 36.1-593 (a) of the Zoning Ordinance, from the City Board of Zoning Appeals prior to any further construction or extension of the concrete ramp and prior to the recordation of the subdivision plat, as required in item 3 below.
3. The closure and vacation of the described portion of Albemarle Avenue S.E., shall be subject to the conveyance by Walters, LLC, to the City of Roanoke, of that parcel of land shown on the attached survey plat and described thereon as "Private property to be dedicated for public street purposes."
4. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise be landlocked by the requested closure, or otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.
5. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of the City of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.
6. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
7. If the above conditions have not been met within a period of one year from the date of the adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary

Respectfully submitted,

D. Kent Chrisman, Chairman
Roanoke City Planning Commission

ERT:mpf

attachment

cc: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Phil Schirmer, City Engineer

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance.

WHEREAS, City of Roanoke filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held on said application by the City Council on April 16, 2001, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing said public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

That certain variable length and width portion of Albemarle, S.E., which lies west of Williamson Road, S.E.

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across said public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with said plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner

consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in said Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in said Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that the City Manager is authorized to execute, and the City Clerk is authorized to attest, any and all plats, deeds or documents, approved as to form by the City Attorney, necessary to transfer whatever right or rights of ownership the City of Roanoke has in the subject right-of-way to adjacent property owners and to accept the property referenced in the petition filed in this case.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of twelve (12) months from the date of the adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of Section 12 of the City Charter,
the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

April 16, 2001

The Honorable Ralph K. Smith, Mayor
The Honorable William H. Carder, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable C. Nelson Harris, Council Member
The Honorable W. Alvin Hudson, Jr., Council Member
The Honorable William White, Sr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

On February 5, 2001, the Roanoke Redevelopment and Housing Authority (RRHA), prepared and presented to Council a plan for the improvement and revitalization of the South Jefferson Redevelopment Area (Redevelopment Plan). Roanoke City Council approved the Redevelopment Plan on March 19, 2001. The primary purpose of the Redevelopment Plan is to provide for private reinvestment and economic growth through redevelopment by private enterprise. The Redevelopment Plan includes the goals of eliminating blight, improving business activity, and creating additional economic value for the City of Roanoke. The Redevelopment Plan also addresses the needs of providing a versatile mix of complimentary land uses and making best use of the area's location.

Also, on March 19, 2001, City officials authorized execution of a Performance Agreement among the City of Roanoke, Carilion Health System (CHS), and Carilion Biomedical Institute (CBI). CHS and CBI desire to be the first major occupants within the Redevelopment Plan Area in order to develop a biomedical institute for research and development. The City desires to encourage such development in order to develop a research and technology park in that area.

Ordinance No. 35250 was adopted on March 19, 2001 by Roanoke City Council, authorizing City officials to execute an agreement, South Jefferson Agreement 2, between the City of Roanoke and the RRHA. South Jefferson Agreement 2 allows the RRHA to implement the Redevelopment Plan presented on February 5, 2001. In this agreement, the City expresses its intent to provide funds of \$14 million for the South Jefferson Agreement 2 (Attachment A). Of that amount, twelve million dollars is proposed to be provided through the issuance of general obligation bonds of the City.

Honorable Mayor and Members
of City Council
April 16, 2001

Page 2

We recommend that Council adopt the attached resolution, authorizing the issuance of the general obligation bonds pursuant to the Public Finance Act of 1991 (Code of Virginia).

Sincerely,

Darlene L. Burcham
City Manager

James D. Grisso
Director of Finance

JDG/JSY/pac
Attachments

c: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk

Attachment A - South Jefferson Cooperation Agreement 2 Between the City and RRHA

South Jefferson Redevelopment Area Three-Year RRHA Project Budget: 2001-2004 Revised March 7, 2000

	<u>RRHA Budget</u>
Acquisition - Site 1 & 1A	\$6,244,070
Relocation - Site 1 & 1A	978,237
Acquisition/Relocation Additional Properties	958,550
Appraisals	
Acquisition Appraisals	65,000
Disposition Appraisals	10,000
Environmental Testing	250,000
Environmental Remediation	1,125,000
Consultant Fees	350,000
Demolition	1,563,959
Site Clearance	150,000
Direct Administrative Support	280,184
Reimbursable	10,000
Property Maintenance	15,000
Improvements to Initial Site	<u>2,000,000</u>
Estimated Development Costs	<u>\$14,000,000</u>

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION AUTHORIZING THE ISSUANCE OF TWELVE MILLION DOLLARS (\$12,000,000) PRINCIPAL AMOUNT OF GENERAL OBLIGATIONS OF THE CITY OF ROANOKE, VIRGINIA, IN THE FORM OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF SUCH CITY, THE PROCEEDS OF WHICH ARE TO BE GRANTED BY SUCH CITY TO THE ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY FOR THE PURPOSE OF ASSISTING SUCH AUTHORITY IN PAYING A PORTION OF THE COSTS OF A REDEVELOPMENT PROJECT IN THE CITY, KNOWN AS THE SOUTH JEFFERSON REDEVELOPMENT PROJECT; FIXING THE FORM, DENOMINATION AND CERTAIN OTHER DETAILS OF SUCH BONDS; PROVIDING FOR THE SALE OF SUCH BONDS; AUTHORIZING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT RELATING TO SUCH BONDS AND THE DISTRIBUTION THEREOF AND THE EXECUTION OF A CERTIFICATE RELATING TO SUCH OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE RELATING TO SUCH BONDS; AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AND OTHERWISE PROVIDING WITH RESPECT TO THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS AND NOTES

WHEREAS, in the judgment of the Council (the "Council") of the City of Roanoke, Virginia (the "City"), it is desirable to authorize the City to contract a debt and to authorize the issuance of \$12,000,000 principal amount of general obligations of the City in the form of General Obligation Public Improvement Bonds of the City, the proceeds of which are to be granted by the City to the Roanoke Redevelopment and Housing Authority (the "Authority") for the purpose of assisting the Authority in paying a portion of the

costs of a redevelopment project in the City, know as the South Jefferson Redevelopment Project (the "Project"), and to authorize the issuance of a like principal amount of General Obligation Public Improvement Bond Anticipation Notes in anticipation of the issuance of such Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA:

SECTION 1. (a) Pursuant to Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), for the purpose of providing funds to be granted by the City to the Authority for the purpose of assisting the Authority in paying a portion of the costs of the Project, the City is authorized to contract a debt and to issue Twelve Million Dollars (\$12,000,000) principal amount of general obligation bonds of the City to be designated and known as the "City of Roanoke, Virginia, General Obligation Public Improvement Bonds" (referred to herein as the "Bonds").

(b) The Bonds shall be issued and sold in their entirety at one time, or from time to time in part in series, as shall be determined by the Director of Finance. There shall be added to the designation of the Bonds a series designation determined by the Director of Finance. The Bonds shall be issued in fully registered form in the denomination of \$5,000 each or any integral multiple thereof. The Bonds of a given series shall be numbered from No. R-1 upwards in order of issuance. The Bonds shall bear interest from their date payable on such date and semiannually thereafter as shall be approved by subsequent resolution of this Council. The Bonds of each series shall be issued in such aggregate principal amounts (not exceeding the aggregate principal amount specified in Section 1(a)); and shall mature on such dates and in such years (but in no event exceeding forty (40) years from their date or dates), and in the principal amount in each such year, as shall be approved by subsequent resolution of this Council. Interest on the Bonds shall be calculated on the basis of a three hundred and sixty (360) day year comprised of twelve (12) thirty (30) day months.

(c) The Bonds (or portions thereof in installments of \$5,000) shall be subject to redemption at the option of the City prior to their stated maturities, in whole or in part from time to time on any date, in such order as may be determined by the City (except that if at any time less than all of the Bonds of a given maturity are called for redemption, the particular Bonds or portions thereof in installments of \$5,000 of such maturity to be redeemed shall be selected by lot), upon payment of such redemption prices (expressed as a percentage of the principal amount of the Bonds to be redeemed), together with the interest accrued thereon to the date fixed for the redemption thereof, as shall be approved by subsequent resolution of this Council.

(d) (i) If any Bond (or any portion of the principal amount thereof in installments of \$5,000) shall be called for redemption, notice of the redemption thereof, specifying the date, number and maturity of such Bond, the date and place or places fixed for its redemption, the premium, if any, payable upon such redemption, and if less than the entire principal amount of such Bond is to be redeemed, that

such Bond must be surrendered in exchange for the principal amount thereof to be redeemed and a new Bond or Bonds issued equalling in principal amount that portion of the principal amount thereof not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption, by first class mail, postage prepaid, to the registered owner thereof at his address as it appears on the books of registry kept by the Registrar as of the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption. If notice of the redemption of any Bond shall have been given as aforesaid, and payment of the principal amount of such Bond (or the portion of the principal amount thereof to be redeemed) and of the accrued interest and premium, if any, payable upon such redemption shall have been duly made or provided for, interest thereon shall cease to accrue from and after the date so specified for the redemption thereof.

(ii) So long as the Bonds are in book-entry only form, any notice of redemption shall be given only to The Depository Trust Company, New York, New York ("DTC"), or to its nominee. The City shall not be responsible for providing any beneficial owner of the Bonds any notice of redemption.

SECTION 2. The full faith and credit of the City shall be and is irrevocably pledged to the punctual payment of the principal of and premium, if any, and interest on the Bonds as the same become due. In each year while the Bonds, or any of them, are outstanding and unpaid, there shall be assessed, levied and collected, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any, and interest on the Bonds to the extent other funds of the City are not lawfully available and appropriated for such purpose.

SECTION 3. (a) The Bonds shall be executed, for and on behalf of the City, by the manual or facsimile signatures of the Mayor and City Treasurer of the City and shall have a facsimile of the corporate seal of the City imprinted thereon, attested by the manual or facsimile signature of the City Clerk of the City.

(b) The Director of Finance is hereby authorized to appoint a Registrar and Paying Agent for the Bonds.

(c) The Director of Finance shall direct the Registrar to authenticate the Bonds and no Bond shall be valid or obligatory for any purpose unless and until the certificate of authentication endorsed on each Bond shall have been manually executed by an authorized signatory of the Registrar. Upon the authentication of any Bonds the Registrar shall insert in the certificate of authentication the date as of which such Bonds are authenticated as follows: (i) if a Bond is authenticated prior to the first interest payment date, the certificate shall be dated as of the date of the initial issuance and delivery of the Bonds of the series of Bonds of which such Bond is one; (ii) if a Bond is authenticated upon an interest payment date, the certificate shall be dated as of such interest payment date; (iii) if a Bond is authenticated after the fifteenth (15th) day of the calendar month next preceding an interest payment date and prior to such interest

payment date, the certificate shall be dated as of such interest payment date; and (iv) in all other instances the certificate shall be dated as of the interest payment date next preceding the date upon which the Bond is authenticated.

(d) The execution and authentication of the Bonds in the manner set forth above is adopted as a due and sufficient authentication of the Bonds.

SECTION 4. (a) The principal of and premium, if any, on the Bonds shall be payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts at the office of the Registrar. Interest on the Bonds shall be payable by check mailed by the Registrar to the registered owners of such Bonds at their respective addresses as such addresses appear on the books of registry kept pursuant to this Section 4.

(b) At all times during which any Bond of any series remains outstanding and unpaid, the Registrar for such series shall keep or cause to be kept at its office books of registry for the registration, exchange and transfer of Bonds of such series. Upon presentation at its office for such purpose the Registrar, under such reasonable regulations as it may prescribe, shall register, exchange, transfer, or cause to be registered, exchanged or transferred, on the books of registry the Bonds as hereinbefore set forth.

(c) The books of registry shall at all times be open for inspection by the City or any duly authorized officer thereof.

(d) Any Bond may be exchanged at the office of the Registrar for such series of Bonds for a like aggregate principal amount of such Bonds in other authorized principal sums of the same series, interest rate and maturity.

(e) Any Bond of any series may, in accordance with its terms, be transferred upon the books of registry by the person in whose name it is registered, in person or by his duly authorized agent, upon surrender of such Bond to the Registrar for cancellation, accompanied by a written instrument of transfer duly executed by the registered owner in person or by his duly authorized attorney, in form satisfactory to the Registrar.

(f) All transfers or exchanges pursuant to this Section 4 shall be made without expense to the registered owners of such Bonds, except as otherwise herein provided, and except that the Registrar for such series of Bonds shall require the payment by the registered owner of the Bond requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange. All Bonds surrendered pursuant to this Section 4 shall be cancelled.

(g) (i) The Bonds shall be issued in full book-entry form. One Bond representing each maturity of the Bonds will be issued to and registered in the name of Cede & Co., as nominee of DTC, as registered owner of the Bonds, and each such Bond will be immobilized in the custody of DTC. DTC will

act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased.

(ii) Principal, premium, if any, and interest payments on the Bonds will be made by the Registrar to DTC or its nominee, Cede & Co., as registered owner of the Bonds, which will in turn remit such payments to the DTC participants for subsequent disbursement to the beneficial owners of the Bonds. Transfers of principal, premium, if any, and interest payments to DTC participants will be the responsibility of DTC. Transfers of such payments to beneficial owners of the Bonds by DTC participants will be the responsibility of such participants and other nominees of such beneficial owners. Transfers of ownership interests in the Bonds will be accomplished by book entries made by DTC and, in turn, by the DTC participants who act on behalf of the indirect participants of DTC and the beneficial owners of the Bonds.

(iii) The City will not be responsible or liable for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants or for transmitting payments to, communicating with, notifying, or otherwise dealing with any beneficial owner of the Bonds.

SECTION 5. (a) CUSIP identification numbers may be printed on the Bonds, but no such number shall constitute a part of the contract evidenced by the particular Bond upon which it is printed; no liability shall attach to the City or any officer or agent thereof (including any paying agent for the Bonds) by reason of such numbers or any use made thereof (including any use thereof made by the City, any such officer or any such agent) or by reason of any inaccuracy, error or omission with respect thereto or in such use; and any inaccuracy, error or omission with respect to such numbers shall not constitute cause for failure or refusal by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its bid. All expenses in connection with the assignment and printing of CUSIP numbers on the Bonds shall be paid by the City; *provided, however*, that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of the successful bidder for the Bonds.

(b) A copy of the final legal opinion with respect to the Bonds, with the name of the attorney or attorneys rendering the same, together with a certification of the City Clerk, executed by a facsimile signature of that officer, to the effect that such copy is a true and complete copy (except for letterhead and date) of the legal opinion which was dated as of the date of delivery of and payment for the Bonds, may be printed on the Bonds.

SECTION 6. In the case of Bonds issued hereunder the interest on which is contemplated to be excluded from gross income for purposes of federal income taxation, the City covenants and agrees to comply with the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 and the applicable Treasury Regulations promulgated thereunder throughout the term of the Bonds.

SECTION 7. (a) The Bonds shall be sold at competitive sale on such date or dates and at such price or prices as shall be determined by the Director of Finance. The Director of Finance is hereby authorized to prepare or cause to be prepared a Summary Notice of Sale of the Bonds and to cause such Summary Notice of Sale to be published in *The Bond Buyer*, a financial journal published in the City of New York, New York, and to prepare or cause to be prepared and distributed a Preliminary Official Statement, a Detailed Notice of Sale and an Official Bid Form relating to the Bonds. The Director of Finance is hereby authorized to receive bids for the purchase of the Bonds; *provided, however*, that the final details of the Bonds of each series, including the purchase price thereof, the interest rates to be borne thereby and the premium, if any, payable upon the redemption thereof shall be approved by subsequent resolution of this Council.

(b) The Mayor is hereby authorized and directed to execute and deliver to the purchasers of the Bonds an Official Statement of the City relating to the Bonds, in substantially the form of the Preliminary Official Statement relating to the Bonds, after the same has been completed by the insertion of the maturities, interest rates and other details of the Bonds and by making such other insertions, changes or corrections as the Mayor, based on the advice of the City's financial advisors and legal counsel (including the City Attorney and Bond Counsel), deems necessary or appropriate; and this Council hereby authorizes the Official Statement and the information contained therein to be used by the purchasers in connection with the sale of the Bonds. The Preliminary Official Statement is "deemed final" for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 ("Rule 15c2-12"). The City Manager and the Director of Finance are hereby authorized and directed to execute on behalf of the City and deliver to the purchasers a certificate in substantially the form to be included in the Official Statement under the caption "Certificate Concerning Official Statement".

(c) The City Manager and the Director of Finance are hereby authorized to execute and deliver to the purchasers of the Bonds a Continuing Disclosure Certificate relating to the Bonds evidencing the City's undertaking to comply with the continuing disclosure requirements of Paragraph (b)(5) of Rule 15c2-12 in such form as shall be approved by the City Manager and the Director of Finance upon advice of counsel (including the City Attorney or Bond Counsel), such approval to be conclusively evidenced by their execution thereof.

(d) All actions and proceedings heretofore taken by this Council, the City Manager, the Director of Finance and the other officers, employees, agents and attorneys of and for the City in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

SECTION 8. The Bonds, the certificate of authentication of the Registrar, and the assignment endorsed on the Bonds, shall be substantially the following forms, respectively, to-wit:

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF ROANOKE
GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND
SERIES _____**

No. R-__ \$_____

MATURITY DATE: INTEREST RATE: DATE OF BOND: CUSIP NO.:

770077_____

REGISTERED OWNER:

PRINCIPAL SUM: DOLLARS

KNOW ALL MEN BY THESE PRESENTS, that the City of Roanoke, in the Commonwealth of Virginia (the "City"), for value received, acknowledges itself indebted and hereby promises to pay to the Registered Owner (named above), or registered assigns, on the Maturity Date (specified above) (unless this Bond shall be subject to prior redemption and shall have been duly called for previous redemption and payment of the redemption price duly made or provided for), the Principal Sum (specified above), and to pay interest on such Principal Sum on _____ and semiannually on each _____ and _____ thereafter (each such date is hereinafter referred to as an "interest payment date"), from the date hereof or from the interest payment date next preceding the date of authentication hereof to which interest shall have been paid, unless such date of authentication is an interest payment date, in which case from such interest payment date, or unless such date of authentication is within the period from the sixteenth (16th) day to the last day of the calendar month next preceding the following interest payment date, in which case from such following interest payment date, such interest to be paid until the maturity or redemption hereof at the Interest Rate (specified above) per annum, by check or draft mailed by the Paying Agent hereinafter mentioned to the Registered Owner in whose name this Bond is registered upon the books of registry, as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding each interest payment date. Interest on this Bond shall be calculated on the basis of a three hundred and sixty (360) day year comprised of twelve (12) thirty (30) day months. The principal of and premium, if any, on this Bond are payable on presentation and surrender hereof, at the office of _____, as the Registrar and Paying Agent, in the City of _____, _____. Principal of and premium, if any, and interest on this Bond are payable in any coin or currency of the United States of America which, on the respective dates of payment thereof, shall be legal tender for public and private debts.

This Bond is one of an issue of Bonds of like date, denomination and tenor except as to number, interest rate and maturity, and is issued for the purpose of providing funds to be granted by the City to the Roanoke Redevelopment and Housing Authority for the purpose of assisting such Authority in paying a portion of the costs of a redevelopment project in the City, known as the South Jefferson Redevelopment Project, and is issued under and pursuant to and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, including Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), and resolutions and other proceedings of the Council of the City duly adopted and taken under the Public Finance Act of 1991.

The Bonds of the issue of which this Bond is one (or portions thereof in installments of \$5,000) maturing on and after _____ are subject to redemption at the option of the City prior to their stated maturities, on or after _____ in whole or in part from time to time on any date, in such order as may be determined by the City (except that if at any time less than all of the Bonds of a given maturity are called for redemption, the particular Bonds or portions thereof in installments of \$5,000 of such maturity to be redeemed shall be selected by lot), upon payment of the following redemption prices (expressed as a percentage of the principal amount of the Bonds to be redeemed), together with the interest accrued thereon to the date fixed for the redemption thereof:

Redemption Dates (Both Dates Inclusive)	Redemption Prices (Percentages of Principal Amount)
_____ __, _____ to _____ __, _____ _____ __, _____ to _____ __, _____ _____ __, _____ and thereafter	%

If this Bond is redeemable and this Bond (or any portion of the principal amount hereof in installments of \$5,000) shall be called for redemption, notice of the redemption hereof, specifying the date, number and maturity of this Bond, the date and place or places fixed for its redemption, the premium, if any, payable upon such redemption, and if less than the entire principal amount of this Bond is to be redeemed, that this Bond must be surrendered in exchange for the principal amount hereof to be redeemed and a new Bond or Bonds issued equalling in principal amount that portion of the principal amount hereof not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption, by first class mail, postage prepaid, to the Registered Owner hereof at his address as it appears on the books of registry kept by the Registrar as of the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption. If notice of the redemption of this Bond (or the portion of the principal amount hereof to be redeemed) shall have been given as aforesaid, and payment of the principal amount of this Bond (or the portion of the principal amount hereof to be redeemed) and of the accrued interest and premium, if any, payable upon such redemption shall have been duly made or provided for, interest hereon shall cease to accrue from and after the date so specified for the redemption hereof.

Subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the issue of which this Bond is one, this Bond may be exchanged at the office of the Registrar for a like aggregate principal amount of Bonds of other authorized principal amounts and of the same issue, interest rate and maturity. This Bond is transferable by the Registered Owner hereof, in person or by his attorney duly authorized in writing, on the books of registry kept by the Registrar for such purpose at the office of the Registrar but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the series of which this Bond is one, and upon the surrender hereof for cancellation. Upon such transfer a new Bond or Bonds of authorized denominations and of the same aggregate principal amount, issue, interest rate and maturity as the Bond surrendered, will be issued to the transferee in exchange herefor.

This Bond shall not be valid or obligatory unless the certificate of authentication hereon shall have been manually signed by the Registrar.

The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and premium, if any, and interest on this Bond as the same become due. In each year while this Bond is outstanding and unpaid, there shall be assessed, levied and collected, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay the principal of and premium, if any, and interest on this Bond to the extent other funds of the City are not lawfully available and appropriated for such purpose.

It is certified, recited and declared that all acts, conditions and things required to exist, happen or be performed precedent to and in the issuance of this Bond do exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other indebtedness of the City does not exceed any limitation of indebtedness prescribed by the Constitution or statutes of the Commonwealth of Virginia or the Charter of the City.

IN WITNESS WHEREOF, the City has caused this Bond to be executed by the manual or facsimile signatures of its Mayor and its City Treasurer; a facsimile of the corporate seal of the City to be imprinted hereon attested by the manual or facsimile signature of the City Clerk of the City; and this Bond to be dated as of the _____ day of _____, 200__.

CITY OF ROANOKE, VIRGINIA

(SEAL)

ATTEST:

Mayor

City Treasurer

City Clerk

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds delivered pursuant to the within-mentioned proceedings.
[_____], as Registrar

By: _____
Authorized Signatory

Date of Authentication: _____

ASSIGNMENT

FOR VALUED RECEIVED the undersigned hereby sell(s), assign(s) and transfer(s)
unto

_____ (Please print or type name and address, including postal zip code of
Transferee)

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF TRANSFeree

the within Bond and all rights thereunder, hereby irrevocably constituting and appointing
_____, Attorney, to transfer such Bond on
the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

Signature of Registered Owner)

NOTICE: Signature(s) must be guaranteed
by a member firm of The New York Stock
Exchange, Inc. or a commercial bank or
trust company.

NOTE: The signature above must
correspond with the name of the Registered
Owner as it appears on the front of this
Bond in every particular, without alteration or
enlargement or any change whatsoever.

SECTION 9. General obligation public improvement bond anticipation notes (the "Notes") are authorized for issuance and sale by the Director of Finance in anticipation of the issuance of the general obligation bonds authorized for issuance herein. Such Notes shall be sold at competitive or negotiated sale at such price or prices and on such other terms and conditions as shall be determined by the Director of Finance. If such Notes are offered for competitive sale, a Detailed Notice of Sale or Summary Notice of Sale shall be prepared, published and distributed in accordance with the requirements of Section 7. There shall also be prepared and distributed a Preliminary Official Statement and a final Official Statement relating to such Notes in such form as shall be approved by the Director of Finance. The issuance and details of such Notes shall be governed by the provisions of Section 15.2-2628 of Title 15.2, Chapter 26, Article 2 of the Code of Virginia, 1950. The provisions of Sections 2 and 6 shall apply to such Notes to the same extent the same apply to the Bonds except, in the case of the provisions of Section 2, only to the extent such Notes are not paid from the proceeds of the Bonds or from any other available funds. The sale of such Notes and the form and other details thereof shall be approved, ratified and confirmed by subsequent resolution of this Council. Bonds in anticipation of which such Notes are issued pursuant to this Section 9 may be issued and sold in accordance with the provisions of this Resolution at any time within five (5) years of the date of issuance of the first Notes issued in anticipation of such Bonds.

SECTION 10. The Council hereby authorizes the City to make expenditures for the purpose for which the Bonds are to be issued in advance of the issuance and receipt of the proceeds of the Bonds and to reimburse such expenditures from the proceeds of the Bonds. The adoption of this Resolution shall be considered an "official intent" within the meaning of Treasury Regulation Section 1.150-2 promulgated under the Internal Revenue Code of 1986.

SECTION 11. The City Clerk is hereby directed to file a copy of this Resolution, certified by such City Clerk to be a true copy hereof, with the Circuit Court of the City of Roanoke, Virginia, all in accordance with Section 15.2-2607 of the Code of Virginia, 1950.

SECTION 12. All ordinances, resolutions and proceedings in conflict herewith are, to the extent of such conflict, repealed.

ATTEST:

City Clerk.



CARDER
35272

***ROANOKE CITY COUNCIL
REGULAR SESSION***

***APRIL 16, 2001
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call: All Present. (Mr. White arrived late.)

The Invocation was delivered by The Reverend Carl T. Tinsley, Pastor, First Baptist Church of Buena Vista.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, April 19, 2001, at 7:00 p.m., and Saturday, April 21, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE CITY COUNCIL AGENDA PACKAGE ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS THE AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT www.roanokegov.com, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

2. CONSENT AGENDA

(Approved 6-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meeting of Roanoke City Council held on Monday, April 2, 2001.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 A communication from the Honorable Ralph K. Smith, Mayor, requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed Meeting.

File #110

- C-3 A communication from the City Manager requesting a Closed Meeting to discuss a matter with regard to expansion of an existing business where no previous announcement of the interest of the business in expanding its facilities in the City has been made, pursuant to Section 2.1-344 (A)(5), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed Meeting.

File # 104-132

- C-4 A communication from the City Manager requesting a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed Meeting.

File #2-132

- C-5 A communication from the City Manager recommending that a public hearing be advertised and, with regard to execution of a new lease with the State Department of Health for properties located at 515 and 530 Eighth Street, S. W., for a term of three years.

RECOMMENDED ACTION: Concur in request to advertise a public hearing.

File #22-373-166

- C-6 A report from the Director of Finance with regard to collection of delinquent taxes.

RECOMMENDED ACTION: Receive and file.

File #1-140

- C-7 A report from the Director of Finance with regard to payment of arbitrage rebate liability in connection with issuance of the City's 1996 General Obligation Bonds.

RECOMMENDED ACTION: Receive and file.

File #1-53

- C-8 A communication from Catherine Fox tendering her resignation as a member of the Special Events Committee, effective immediately.

RECOMMENDED ACTION: Receive and file communication and accept the resignation with regret.

File #110-317

- C-9 A communication from Matt Kennell tendering his resignation as a member of the Roanoke Arts Committee, effective immediately.

RECOMMENDED ACTION: Receive and file communication and accept the resignation with regret.

File #110-230

- C-10 Qualification of the following persons:

S. Wayne Campbell as a member of the City Planning Commission for a term ending December 31, 2004;

File #15-110-200

Carolyn M. Bumbry, James W. Burks, Jr., and H. Victor Gilchrist as Commissioners of the Roanoke Redevelopment and Housing Authority for terms ending August 31, 2004; and

File #15-110-178

Robert Humphreys as a member of the Roanoke Arts Commission to fill the unexpired term of Ann D. Masters, resigned, ending June 30, 2001.

File #15-110-230

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

3. HEARING OF CITIZENS UPON PUBLIC MATTERS:

- a. Request to address Council with regard to the need for safety shields in taxicabs. C. R. Sisson, Liberty Cab Company, Spokesperson.

Received and filed.

File #47

4. PETITIONS AND COMMUNICATIONS:

- a. Briefing with regard to billing of 2001 personal property tax and tax relief. The Honorable David C. Anderson, City Treasurer.

Received and filed.

File #34-79

- b. A communication from John R. Hubbard, Chief Executive Officer, Roanoke Valley Resource Authority, transmitting the Resource Authority's Annual Budget for Fiscal Year 2001-02, totaling \$8,323,525.00.

Adopted Resolution No. 35272-041601 (6-0)
File #60-253

(Council Member White entered the meeting.)

5. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS:

- 1. Presentation of the City of Roanoke Fiscal Year 2001-02 Recommended General Fund Budget and HUD Budget.

Received and filed and referred to 2001-02 Budget Study.
File #60

ITEMS RECOMMENDED FOR ACTION:

- 2. A communication recommending amendment to certain sections of the Code of the City of Roanoke (1979), as amended, in connection with the Carvins Cove Natural Reserve.

Adopted Ordinance No. 35273-041601 (7-0)
File #24-468

- 3. A communication recommending amendment of Section 24-97, Possession or consumption of alcoholic beverages, Article IV, Parks, Chapter 24, Public Buildings and Property; and amendment of the Fee Compendium to reflect a fee of \$50.00 for an alcohol permit and a refundable damage/clean-up deposit in the amount of \$500.00 for possession or consumption of alcoholic beverages in certain locations in the City.

**Adopted Ordinance No. 35274-041601 (5-2, Council Members Harris and Hudson voting no.)
File #24-76-166-289**

4. A communication recommending amendment of Section 7-2, Code of the City of Roanoke (1979), as amended, to authorize removal, repair or securement of unsafe structures, as authorized by Section 15.2-906, Code of Virginia (1950), as amended.

**Adopted Ordinance No. 35275-041601 (7-0)
File #24-32**

5. A communication recommending acceptance of a bid submitted by Cunningham Associates, Inc., in the amount of \$636,515.20, for playground equipment and surfacing for 19 City parks.

**Adopted Resolution No. 35276-041601 (7-0)
File #67**

6. A communication recommending acceptance of a bid submitted by Clean Sweep of the Roanoke Valley, Inc., in the amount of \$65,425.00, for restroom cleaning services in City parks.

The matter was tabled pending additional information from the City Manager with regard to background checks on persons engaged in providing the service, frequency of cleaning restrooms and supervision of personnel. (See additional action on page 14.)

7. A communication recommending acceptance of a bid submitted by Kane's Communication Systems, Inc., for portable radios and accessories for use by the City Sheriff's Office and Jail, in the amount of \$165,701.11.

**Adopted Resolution No. 35277-041601 (7-0)
File #121-472**

8. A communication recommending rejection of all bids received by the City for long distance network services; and authorization to execute agreements with the Department of Information Technology, a state agency, to use the COVANET service at rates not to exceed current rates, plus five per cent.

**Adopted Resolution Nos. 35278-041601
and 35279-041601 (7-0)
File #262-383**

9. A communication recommending appropriation of \$97,200.00 from the Capital Maintenance and Equipment Replacement Program for equipment purchases, maintenance and other one-time priority purchases.

**Adopted Ordinance No. 35280-041601 (7-0)
File #60-217-472**

b. CITY ATTORNEY:

1. A report transmitting measures authorizing amendments to certain sections of the Code of the City of Roanoke (1979), as amended, in connection with restructuring of the City's authorities, boards, commissions, and committees.

**Adopted Ordinance Nos. 35281-041601, 35282-041601,
35283-041601, and Resolution No. 35384-041601 (7-0)
File #24-110-467-468**

2. A report with regard to acquisition of property for the Railside Linear Park Project.

Withdrawn by the City Attorney.

6. REPORTS OF COMMITTEES:

- a. A report of the Bid Committee recommending acceptance of the bid of Lanford Brothers Co., Inc., for repairs to four City bridges, in the amount of \$151,526.24, 60 consecutive calendar days of contract time; and transfer of funds in connection therewith. Council Member W. Alvin Hudson, Jr., Chair.

**Adopted Budget Ordinance No. 35295-041601 (7-0) and Resolution
No. 35285-041601 (7-0)
File #60-102**

- b. A report of the Bid Committee recommending acceptance of the bid of Breakell, Inc., for ballfield improvements at Wasena Park - Field 2 and Fallon Park, in the amount of \$135,187.00 and 50 consecutive calendar days of contract time. Council Member W. Alvin Hudson, Jr., Chair.

**Adopted Resolution No. 35286-041601 (7-0)
File #67**

7. UNFINISHED BUSINESS: NONE.

**8. INTRODUCTION AND CONSIDERATION OF
ORDINANCES AND RESOLUTIONS:**

- a. A resolution confirming the City Manager's appointment of Rolanda A. Johnson as Assistant City Manager.

**Adopted Resolution No. 35287-041601 (7-0)
File #104-184**

- b. A Resolution changing the time and place of commencement of the regular meeting of City Council scheduled to be held at 12:15 p.m., on Monday, May 7, 2001.

**Adopted Resolution No. 35288-041601 (7-0)
File #132-304**

9. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Council Member Bestpitch called attention to a request to be submitted by Mill Mountain Zoo, Inc., for Capital Maintenance and Equipment Replacement Program funds for zoo upgrades and asked that the matter be included in discussions regarding CMERP funding later in the year.

- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

10. OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED, WITHOUT OBJECTION, IMMEDIATELY, FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Mr. George Trent, 3622 Troutland Avenue, N. E., expressed concern with regard to his water service which was disconnected due to non-payment.

File #66-468

CERTIFICATION OF CLOSED SESSION.

(6-0 Mr. White was absent.)

The following persons were appointed/reappointed to boards and commissions:

Frank Feather, Bryan Grimes Creasy, Nancy Canova, and Brenda Powell - Fair Housing Board File #110-178

James P. Armstrong - Roanoke Neighborhood Partnership Steering Committee File #15-110-488

Council Member William Carder - Council liaison to the Special Events Committee File #110-132-317

AT 5:50 P.M., THE MEETING OF ROANOKE CITY COUNCIL WAS DECLARED IN RECESS TO BE RECONVENED AT 7:00 P. M., IN THE COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***APRIL 16, 2001
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

Call to Order -- Roll Call. Mr. White was absent.

The Invocation as delivered by Council Member Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Boy Scouts of America Troop #17, St. John's Episcopal Church.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, April 19, 2001, at 7:00 p.m., and Saturday, April 21, 2001, at 4:00 p.m.

A. PUBLIC HEARINGS:

1. Public hearing to receive the views of citizens regarding appointment of two Trustees to the Roanoke City School Board for three year terms of office commencing July 1, 2001 and ending June 30,2004. Candidates are: Gary M. Bowman, Melvin W. Garrett, Melinda J. Payne, William E. Skeen, and Ruth C. Willson.

Remarks of all speakers were received and filed.

File #467

2. Public hearing on a proposed amendment to Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to add a new subsection (9) to Section 36.1-250, Special exception uses, and new subsections (10) and (11), of Division 4, Industrial Districts, of Article III, District Regulations, to permit certain automobile rental establishments and limousine service and taxicab establishments as special exception uses in the LM, Light Manufacturing District, and automobile rental, limousine service, taxicab and general service establishments as permitted uses in the HM, Heavy Manufacturing District. Edward A. Natt, Attorney.

Adopted Ordinance No. 35289-041601 (6-0)

File #24-51

3. Public hearing on the request of the Roanoke Valley SPCA and Sandra L. Overstreet that a certain undeveloped portion of Edmund Avenue, N. E., lying adjacent to Official Tax Nos. 3210616-3210620, inclusive, and the undeveloped portion of an alley lying adjacent to Official Tax Nos. 3210701-3210708, inclusive, being parallel to and between Edmund Avenue and Baldwin Avenue, be vacated, discontinued and closed. W. Eric Branscom, Attorney.

Adopted Ordinance No. 35290-041601 (6-0)

File #514

4. Public hearing on the request of the Commonwealth Development Group of Roanoke, LLC, that five contiguous tracts of land at or near the southeastern side of Highland Farm Road and the southeasterly terminus of Tuckawana Circle, be rezoned from RM-2, Residential Multi-Family

District, to LM, Light Manufacturing District, subject to certain conditions proffered by the petitioner. Donald L. Wetherington, Attorney.

Adopted Ordinance No. 35291-041601 (6-0)
File #51

5. Public hearing on the request of the City of Roanoke that a portion of Albemarle Avenue, S. E., extending in a westerly direction from Williamson Road, be permanently vacated, discontinued and closed. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 35292-041601 (6-0)
File #514

6. Public hearing on a proposed resolution authorizing the City to contract a debt and to issue general obligation public improvement bonds of the City (and in anticipation of issuance thereof general obligation public improvement bond anticipation notes of the City), in the principal amount of \$12,000.000.00, the proceeds of which are to be granted by the City to the Roanoke Redevelopment and Housing Authority for the purpose of assisting the Authority in paying a portion of the costs of a redevelopment project in the City, known as the South Jefferson Redevelopment Project. Darlene L. Burcham, City Manager, and James D. Grisso, Director of Finance, Spokespersons.

Adopted Resolution No. 35293-041601 (6-0)
File #53-178-540

B. OTHER HEARING OF CITIZENS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED, WITHOUT OBJECTION, IMMEDIATELY, FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Request to address Council with regard to Wiley Drive through Smith Park. E. Duane Howard, Spokesperson.

Fourteen persons spoke in support of closing Wiley Drive to vehicular traffic on weekends.

File #67

Mr. Robert Gravely, 1412 Moorman Road, N. W., complained about the \$12 million bond proceeds provided to the Roanoke Redevelopment and Housing Authority in connection with the South Jefferson Redevelopment Project, and low wages for the City work force.

File # 53-66-178-184-540

Mr. Chris Craft, 1508 East Gate Avenue, N. E., apologized for a previous statement he made regarding Victory Stadium, which statement was presented in the absence of all of the facts.

File #122

Adopted Resolution No. 35294-041601 accepting the bid of Clean Sweep of Roanoke Valley, Inc., for the provision of restroom cleaning services in City parks, upon certain terms and conditions, and rejecting all other bids received. (7-0)

THE MEETING OF ROANOKE CITY COUNCIL WAS DECLARED IN RECESS UNTIL THURSDAY, APRIL 19, 2001, AT 4:00 P.M., IN THE CITY COUNCIL CHAMBER, AT WHICH TIME COUNCIL WILL INTERVIEW FIVE PERSONS SEEKING APPOINTMENT TO THE ROANOKE CITY SCHOOL BOARD FOR THREE YEAR TERMS OF OFFICE COMMENCING JULY 1, 2001 AND ENDING JUNE 30, 2004